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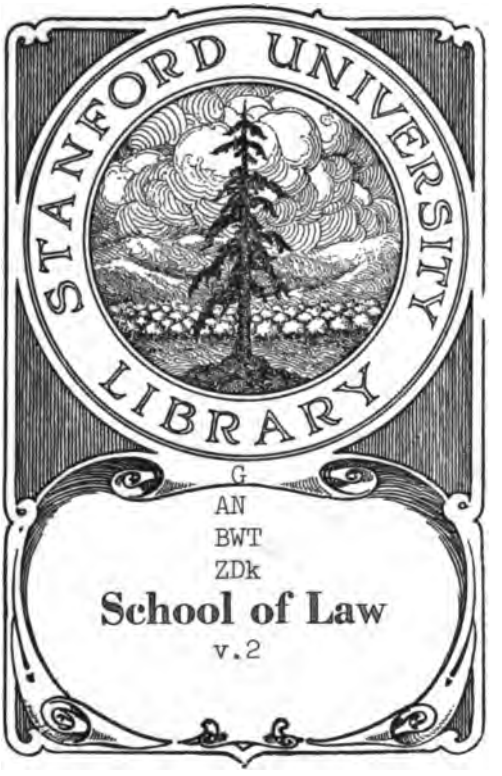

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MEMOIRS

OF

THE LIFE

OF

WILLIAM WIRT,

ATTORNEY GENERAL OF THE UNITED STATES,

BY

JOHN P. KENNEDY.

IN TWO VOLUMES.

VOL. II.

PHILADELPHIA:
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LIFE OF WILLIAM WIRT.

CHAPTER I.

1817.

ARGUES HIS SECOND CAUSE IN THE SUPREME COURT.—LETTER OF ADVICE TO GILMER.—HIS ANXIETY IN THE COMPOSITION OF THE BIOGRAPHY.—LETTERS TO CARR.—THE BIOGRAPHY GOES TO PRESS.—IS PUBLISHED.—LETTER FROM MR. MONROE OFFERING HIM THE POST OF ATTORNEY GENERAL.—ACCEPTS, AND REPAIRS TO WASHINGTON.—LETTERS TO MRS. W.

Mr. Wirt had, as yet, argued but one cause in the Supreme Court. Early in this year his professional engagements called him to a second trial in that forum. We shall see in the following letters, upon what occasion and how this effort succeeded. The first of these was written at intervals, before and after his visit to Washington. It is addressed to his young friend Gilmer, and contains, what we have always found in the letters written to him, a kind and instructive lesson composed in the spirit of an affectionate preceptor who took the liveliest concern in the advancement and success of his pupil. Like the others to the same correspondent, it pours forth that wholesome counsel which may be read with profit by every professional student. What is given below are but some extracts from this letter. It refers, in part, to the expected publication of the biography, which was now ready for the press, and the opinion of "The honorable Thomas" (a jocular allusion to Mr. Jefferson,) upon the subject; and, in part, to the personal concerns of him to whom it was written. There is, besides, a short reference to the trial in the

Supreme Court, which had taken place before the writer had found sufficient leisure to conclude his epistle. Notwithstanding the brevity of this reference, the reader will not fail to perceive, after the perusal of the two letters which succeed this, that the speech in the great national tribunal was not so cursorily dismissed, from any insensibility to the impression it may have made. There is apparent in all Wirt's professional and literary exhibitions at this period of his life,—and indeed, it may be said to have been characteristic of his temperament throughout his whole career,—a nervous impressibility to the opinions of the public in regard to his own merits and the success of his endeavors; which, as it sprang from the eagerness of his desire to satisfy his own high estimate of what he deemed the excellences of his art, manifests not only the strength of his ambition, but, even more conspicuously, the simplicity of his character. He indulges, with the exultation of a boy, in the accomplishment of a feat of intellect; speaks of his triumphs with that glad temper of youth which fears nothing from the censoriousness of the world, which conceals no natural emotion of the heart, and which disarms envy and even challenges admiration by the frank and joyous tone with which it seeks applause for the fortunate issue of an honorable endeavor. There are few men of real merit who do not often feel such impulses; but the instances are rare in which such men have not found, even in a short experience of the rivalries of manhood, motive to school their behaviour to a more discreet and guarded subjection, and to restrain themselves from giving way to the expression of those sentiments most natural to their good fortune, lest the world should misconstrue it as weak self-complacency, or an unbecoming vain-glory. The circumspection, in such cases, which is adopted as a guard against the world at large, often begets an habitual reserve even in the intercourse of intimate friendship, and thus the most private correspondence seldom exhibits the exact portraiture and image of the heart. In the letters between Wirt and his friend Carr, we may find an exception to this remark, and we shall read in them the unguarded utterances of a generous and confiding nature, which, as, on the part of the writer, they were above all dissimulation, so, on our part, they should be considered as beyond the pale of critical censure.

TO FRANCIS W. GILMER.

RICHMOND, January 26, 1817.

MY DEAR FRANCIS:

On my return from Washington about the 10th, after an absence of three weeks, I found, among others, your letter of the 20th ult.; but I found, also, the Court of Appeals and Chancery, both in session, and an accumulation of professional duties which have disabled me from sitting down to answer you until now. I was in the less hurry about it; for, just about the time of my leaving the city, it was rumored that you would be there on a visit, in a few days—and but for those duties which were pressing my return to Richmond, I would have waited your arrival.

As I was saying, however, the impression that you were absent from Winchester on this visit, and were kicking up your heels in Washington, put me at ease about answering your letter until your frolic should be over, and you should so far have forgotten the gaiety of the city, the eloquence of Congress, and the wisdom of the Abbé,* as to be able to relish such plain fare as I could spread before you.

By this time, I presume you have got back, cloyed with these delicacies, and with your natural palate so far restored as to enjoy a dish of bacon and greens, or hog and hominy—saving your highness. So here's at you!—As for Patrick ——, "By my sowl, says Pat, but you may say that, to the end of the world and after, O!" The public are to be the judges. But I am so far from confident of a favorable sentence, that I am in no hurry for my trial. "On the contrary," (as our President apparent says)—I am pretty much of the humor of the Irish culprit—who being asked by the clerk of arraigns, how he would be tried, answered "not at all, at all." As the trial, however, I suppose, must come, I will take a continuance 'till after next summer. The honorable Thomas has given me some flattering encouragement. I can see, however, that he regards my book, rather as panegyric than history, and has put his *veto* on almost all my favorite passages, as being too poetical for sober narrative—as calculated, indeed, to gratify the young, but to shake the confidence of the aged in the

* The Abbé Correa.

truth of my story. Whether I shall appeal to the people on this head, I shall be better able to judge after the summer vacation of our courts.

* * * * * * *

Great power of talents, ought always to be allayed by invincible patience, the most indulgent charity, the most boundless benevolence. Omnipotence itself, would be an object only of terror and hatred, but for the divine attributes of mercy and love, with which it is associated among men equal by nature. Superior power of any sort, or from any cause, is borne with impatience; and it requires infinite forbearance and address, on the part of its possessor, to make it tolerable, and much more to make it agreeable to the world.

Hence, the impolicy of brandishing the whip of ridicule and scourge of invective on every occasion, and, indeed, on any occasion. For I cannot conceive the occasion on which a man truly great, would not gain more than he could lose, by the forbearance.—Do you smell a rat? or do you perceive that I am aiming one of these strokes at what I have feared may grow into a blemish of *your* fame? Have you never had occasion to say, with Horace, "sunt quibus nimis videor acer?" Have you learned the god-like wisdom of treating the ignorance, the mistakes, the absurdities of others, with *tender respect*—or do you put aside a silly opinion, of which the speaker is nevertheless vain, with a contemptuous back of your hand, (as the Scotch Irish say,) or, what is worse, with an exposing and poignant sarcasm? *I have heard nothing of this kind*, and only speak of what I feared would be the case, when you came to be at ease, and felt your power at the bar. Bacon has an essay on the subject of abating the odium of superior talents, which every man who is on the public stage, and who has any pretension to talents, ought to lay to his heart and make the rule of his conduct. There is a trait, too, in the character of the celebrated Hampden, congenial with this purpose, and of such exquisite delicacy, that I have thought of and admired it a thousand times. He was a great *parliamentarian*, an out-of-door partizan, and an intriguer. Clarendon says that he managed his operations with so much address, that, instead of betraying his drift to the person with whom he spoke, he seemed to have come merely for the purpose of delib-

eration, and of giving instruction how he was himself to vote and act; but, in the course of these deliberations, he would throw in, as if casually, the thoughts which seemed for the first time to be occurring to him, with so much skill of position, and at the same time, with such an apparent destitution of art, as to leave the person with whom he spoke, to suggest the very measure he himself wished, and imagine too, that he was suggesting a new thought to Hampden. This savors, indeed, a good deal of *Italian finesse*. But it shews the necessity of resorting to address, to abate the odium of high talents, and to manage the vain and weak world which surrounds us, even to their own benefit.

It shews decisively the habitual respect which we should observe even to the silly and impotent, to make them of any use to us, or to themselves. Cultivate universal love, by universal kindness and respect, and reserve your wit for the friends who know your worth—contrary to the common maxim. Break your wit only on your best friends, and that only, in a small company of friends. Above all, never make a man feel *ridiculous*. It is an injury which it is not in human nature to *forget*, much less to forgive.

* * * * * * *

I find, on looking at your letter, that I must preach a little more. Don't think of Congress for ten years to come:—make your fortune first. I am not indeed of the opinion of Crassus or Lucullus, (or whoever it is mentioned in the beginning of Cicero's Offices), that the man who aspires to be the leader of a republic should be able to supply an army by the current revenues of his estate. But he ought to have enough to liberate his mind from all anxiety on that score, and enable him to devote himself, soul and body, to his country. And I take it for granted, of course, that you will not be in such a hurry to make your fortune, as to leave any doubt on your liberality as you go along. If you awaken a prejudice of that sort, you are gone for life. Hence, since you are not to screw for a fortune, you will find ten years short enough to accomplish the object. By that time, too, your mind will have become chastened, (or if you please, chastised,) by experience, and you will see the fallacy of many a fair and beautiful theory that now amuses your fancy. By that time you will have discovered that we are not an agricultural people merely, for we shall have a fleet

of thirty sail, and our commerce will cover every sea. The spirit of manufactures, too, will have spread from the north to the south, and our country will be a pretty large epitome of all the pursuits of human life.

* * * * * * *

February 25, 1817.

So far, I had by fits and starts, as leisure would permit, advanced in answering your letter, when I was summoned to Washington by private business.

* * * * * * *

I returned last night about nine o'clock, and have taken the first morning to finish my letter to you. I made a speech whilst there, in a prize case. It was rather better than my former one, and I hope my friend Dabney will have no great occasion to scold about it. More it does not become me to say,—nor, indeed, could I say more with any regard to truth.

* * * * * *

I regret extremely that my engagements in court would not permit me to pay my respects to your friend, Mr. Correa, except at a distance. For he, too, honored me by being one of my hearers. Had it not been for the ostentatious appearance of being acquainted with the great, I would have advanced from my seat and offered him my hand. On this account, I could give him only a bow, and express my respects by my countenance.

* * * * * * *

Give my love to the Chancellor, and believe me as ever,

Your friend,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, February 27, 1817.

I do, indeed, my dear friend, felicitate you from my bosom's core, on the comparative restoration of a wife so much beloved and so worthy of it, too. God grant that all your hopes on the subject may be realized!—of which, I think, there can be no reason to doubt, from what you tell me of the past. May Heaven bless her with the return of permanent and perfect health, since

this only is necessary to make her one of the happiest of human beings! I would say more of what I feel, but I would not be thought a flatterer, even by my friend.

I have committed another fraud on you; for I have been to Washington, and I made a speech, sir, in the Supreme Court *four hours and a half long!* Does not this alarm you? And will you not be still more alarmed when you are told that the court-room was thronged,—fifteen or twenty ladies, many members of Congress, and, what is worse than all, the venerable Correa, whom I heartily wished at Portugal; besides Walsh, whom, if I had known to be there at the time, I should have wished at ——. But the subject was not to my taste. It was a prize case—an appeal from North Carolina—a mere question of fact, i. e., whether the captured ship and her cargo were neutral or hostile property. As counsel for the captured privateer, I was bound to contend that they were British; my adversaries, on the contrary, (Gaston and Hopkinson, against whom I stood alone,) insisted that they were Russian; and this issue of fact was to be decided by the analysis and synthesis of about five hundred dry, deranged ship documents, which were to be read and commented on. You perceive the utter impossibility of clothing such a subject either with ornament or interest; and when you are farther told, that there was not one principle of dubious law involved in the case, you will as readily see that there was no opportunity for the display of any cogency of argument. It was, therefore, matter of surprise to me, that the ladies stuck to us till dinner time; and of still greater surprise, that the Abbé and Walsh remained till the close of the argument,—as the latter informed me on the next day. If any reliance is to be placed on intimations given to me from different quarters, the speech was quite a creditable one; and this is as much as ought to be expected in such a cause by any judge of equity and good conscience. I have other cases there which will come on at the next term, and which will enable me to shew what little I have of law or argument; the one is a batture case, in which I have been employed against Livingston, by a family in New Orleans; another, a case from Virginia, in which I have been retained by the Literary Fund Society, on a question of the right of an alien to take the benefit of a devise of lands directed to be sold and the proceeds remitted to Scotland. This latter case will shew Wick-

ham and myself in opposition; and though I shall probably lose the cause, I will give him a heat for the glory. You cannot conceive, or, rather, you can (which, as Cabell says, is "the same thing,") what a rejuvenescence this change of theatre and of audience gives to a man's emulation. It makes me feel young again, and touches nerves that have been asleep ever since 1807, (the era of Burr's trial.) It puts me strongly in mind of some of our early campaigns, when I was struggling from my native obscurity into light. Could I have supposed when you and I were threading the hog-paths through the wilds of Fluvanna, and trying to make our way at the bar of that miserable court, that a day would ever come when I could dare to hold up my head in the Supreme Court of the United States, and take by the beard the first champions of the nation! Who shall tell me after this that there is no God; no benignant disposer of events whose pleasure it is to raise the weak and lowly and down-trodden, by his own sovereign and irresistible *fiat*? No, sir, the prosperous events of my life have flowed from no prudence or worth of my own; but I feel at this moment, most gratefully feel, that they have been kindly forced upon me by an over-ruling providence.

I carried to Washington the manuscript of Patrick, with the resolution of sending it to you, if a safe conveyance offered; but none such presented itself. You must, if possible, see it before it goes to the press. I shall be ill at ease unless you do. But I am determined to retouch it, in spite of all you can say to the contrary. * * * * * However, let that pass, sir: the greater part of the book, as it now stands, is the first rough draft. Would you have the painter to quit the portrait after the first sitting, the eye-balls glaring, and the cheeks of "ashy semblance?" I want to put a little more body and character into the work: at present, you may rely upon it, it is rather an empty thing. Having the outline drawn, and the features *located*, it will be easy for me, during the leisure of the approaching summer, to ascertain the parts which demand a bolder swell of muscle, so as to give strength as well as symmetry to the whole. As to coloring, I wish to reduce rather than to heighten. Fear me not, I am no ——, taking your own figure. "I trust I have a good conscience," in this respect.

With regard to the particular criticism on the extract in the Portfolio, you and Frank stand alone. No one else has made the objection. *I* think the break a very happy one; it brings the Assembly itself before you, thus powerfully wrought upon, and communicates by sympathy the strong feelings which agitated them. I have frequently seen an anecdote miss fire, till the relater stated what an uproar of laughter the occurrence produced when it happened. If you were to state the last speech which Louis XVI. made to his queen, how weak would be the effect, till you related its effect on her. In my case there was no suspending the description of the effect till the close of the speech, because it arose from a particular passage,—that particular passage was to be raised in relief, and there was no other way to bring it about, except by throwing in the shade exactly where it is. Besides, the historical truth of the story required it; for I hope you and Frank have no suspicion that the incident did not occur just as I have stated it, or that the speech is not a genuine one. Yet I know not how else to understand the remark that the quotation is from an inferior hand. This is strange, after quoting my authority for the speech: and if Randolph's manuscript History of Virginia, which I have seen, shall ever come to light, you will discover that all I have said is Quaker drapery compared with the account which he gives of the affair.

* * * * * * *

Once more, Heaven bless you and your fire-side!

Yours affectionately,

WM. WIRT.

TO JUDGE CARR.

RICHMOND, March 24, 1817.

MY DEAR FRIEND:

I have just been cruelly disappointed. A letter bearing your superscription was handed to me about ten minutes ago, and I was full of the hope of recent intelligence; but on breaking the seal, I find it dated the 23d of last month and intended for Washington, which indeed the address would have informed me, if I had taken time to read it.

The anxiety which you manifest in this letter, leads me to suspect that you cannot have received my answer to your folio, written immediately on my return to Richmond, and in which I said as much *as my well-known modesty* would permit, in relation to my speech in the Supreme Court. I omitted to address that letter *via* Washington, as I believe I should have done; and it has probably foundered on the way. If you had received, I think you would have answered it. I have only two conclusions to make; either that the letter has miscarried, or that you have received accounts from Washington touching my essay before the Court, which has made it painful for you to answer me,—and as the former is the more agreeable conclusion of the two, I choose to draw it; though I confess I am not without curiosity as to the accounts which you may have received from the city. If I made a *bad* speech I was not sensible of it, which, I will say for myself, I am very apt to be when it is really the case. If I did not make a good one, I was most grossly flattered; as you yourself shall judge by the incidents which I will now detail to you, and which I would not detail, but for the apprehension that you may have heard discouraging accounts. First, then, on the second morning after I had delivered my speech, Hopkinson and Walsh came to my room,—and the former paid me higher compliments than I had ever received, to which the latter gave, at least, an implied assent and something more. Hopkinson's *manner* was not that of a flatterer. It was warm and frank, and he seemed to speak with a generous delight. "I hope we may speak our sentiments here," said he, "to one another, without the suspicion of flattery. Your manner is the very best I have ever seen. Your client has no occasion to regret the loss of Mr. ——; he would not and never could have presented the cause with half the power that you have done. The play of your imagination is delightful. You could never have carried it to such perfection, but for the habit of elegant composition. I was charmed with your figures, and almost envied your success." In his reply, too, in Court, in deprecating the effects of my speech, he said, inter alia, "*I speak it openly*—the argument of our adversary has been a most masterly one," &c.

Wheaton told me that the judges expressed the greatest satisfaction with my argument. Decatur, whom I met afterwards in

the street, I in a hack, he on foot, came to the door of the hack.—"Why," said he in his rough sailor way, "they tell me you have been playing the devil at the Capital. What have you been doing with old Correa? I think you must have given him love powders." Colonel Monroe said to me, with the most beaming pleasure, that he had been told I had covered myself *with reputation and glory*. These were his words, and when I looked a little distrustful, he added, "Upon my honor, it is a fact, and I was told so, too, by a person who had no political prejudices in your favor."

This is part only of what I heard, from which I should not infer, if there is any sincerity in Washington, that there was any thing in the speech to be ashamed of. It is very true there was no scope for deep and cogent argument, for there was little or no law in the case. It was pretty much a matter-of-fact case, like Webb and Watkins at Powhatan, and my speech of that sort,—only chastened in reference to the tribunal. This is a short and true account of the whole affair, so far as I know it. I dare say if the Eastern gentlemen, Miss B. speaks of, were there, they thought the speech light and frothy; for what is common animation in Virginia would be thought poetic phrenzy by them. However, I should like to know what you may have heard, and whether you have received my answer to your folio,—as also whether Frank has received a long letter from me which went off about the same time. In relation to the fate of the Washington cause, it is not decided. The Court thought the cause with me on the evidence, on which the argument turned; but being an admiralty case, they have, according to the practice of that court, indulged the opposite party with farther proof. So that it is possible we shall have another heat at it next winter. Judge Johnson, of the Supreme Court, told me here the other day, that my client would certainly recover the cargo, (which is infinitely the most valuable part of the subject,) and as for the ship, if our adversary did not alter the cause most materially by his farther proof, (which it was not believed he could do,) we should get that, too. So there is nothing lost unless it be our honor, reversing the fate of Francis at the battle of Pavia; and if this be lost, I am yet to learn it. Tell me candidly what you may have heard. Mr. Correa was there, and has probably written to Frank. It

might be useful to me to learn what such a judge as he thought amiss. At all events, let me hear from you.

* * * * * *

We had a son born on the night of the second of March, and his name is Dabney Carr; so take care that you justify the name by your celebrity!

My wife unites in love and best wishes to you all.

Farewell—your friend,

Wm. Wirt.

We have now some amusing secrets revealed, of the meditations of the author upon his own work. As the day drew nigh when the biography was to be committed to the hands of the printer, there is apparent in the correspondence a vividly increasing anxiety as to the success of the performance, and an evident distrust of its claims to that favor of the public which the friends of the biographer were endeavoring to persuade him to expect. We shall read this in the criticisms, and in the uneasy efforts at self-composure, which are visible enough in the faint-hearted merriment of the following letters:

TO JUDGE CARR.

Richmond, August 9, 1817.

* * * * * * *

And now, I suppose you think I am impatient to speak of Patrick?—and if you do, I cannot say of you as Tom Bowline did of his mariners.* The truth is, I am quite as anxious about it as is becoming, to say no worse. But to the point.

You think me wrong in having shewn the manuscript to my friends generally. It may be so, but not upon the ground on which you seem to place it—that I am the better judge. Johnson or somebody else whom Boswell introduces into his life, remarked that many persons espied faults in a manuscript submitted to their criticism, which they would never have discovered in the printed book, and it is, perhaps, added, that these circumstances tend only to perplex and mislead the author. This may be true, too—

"*I don't care a d—n."

but if the author is not a very *perplexable* character, it is not altogether true. In all that I have hitherto published, my manuscripts have not been shown, for the works were spun from my own brain, and there was no responsibility for the truth or facts; but the Life of Henry is *history*—history too, often depending on the conflicting recollections and statements of my correspondents, and in regard to which I was and still am anxious to avail myself of every possible chance for accuracy. With this view, I submitted the work to several old gentlemen, Mr. Jefferson, Mr. Roane, Mr. Tucker and two or three others in Hanover. The style of narrative, too, was entirely new to me. I did not like my own work, and from the little interest it appeared to have with me, I was desirous to see how it would strike others, and therefore shewed it to half a dozen of as different tastes as I could select, trying to form in this way, an epitome of society. The result is flattering, yet still, perhaps, delusive; but I do not regret this submission of the manuscript, for I have been set right in several important facts, and have had a number of little blemishes removed which had escaped my own attention. Nor have I been perplexed by contradictory criticisms in any case, except in relation to the mountain stream,—of which, more anon.

If there ever were any beauties in the work, they all remain, no friend having advised the erasure of a single passage which had any pretensions to beauty, "except as before excepted." So that your apprehensions from this submission of the manuscript, although kind and partial, are altogether groundless. The dissertation on the different talents for speaking and writing never pleased me. I should have altered it, of my own accord, and am glad that the change is approved by yourself and Frank. It is accordingly altered. I am not to this moment, however, entirely sure that there is not something more in the incongruity of those faculties than we are willing to admit: and whether the congruity is not rather confined to the *limatus genus dicendi* of Lælius, than the irregular and fiery force of Galba, is, as Lord Coke says, *considerable*. But let this pass; the alteration is made. And now for the mountain stream. I am going to speak to you in all the confiding openness of our friendship.

When I first wrote that passage I was so much pleased with it, that I laid down my pen and coming in to my wife, who had

caught all my anxiety about it, observed to her that I was now at ease about my book, and that I was sure it would live, if for nothing else, for a passage which I had just written. A friend and disciple of mine, Mr. Upshur, coming in shortly after, I took him to the office and read the passage aloud to him. In the reading, I was myself a little startled at the perseverance of the figure, and the rattling, cracking and bursting of the billows, the shrouds and the ocean. He desired it to be read again, and it was done in rather a gentler tone, to moderate the violence of the tempest, when he pronounced it *beautiful* and I was very willing to believe him.

My friend Clark came down a few days afterwards: when I read it to him his eyes filled with tears of rapturous admiration, and he swore that that was the very kind of writing which had made the British Spy so popular.

After this, the sheets were sent to the sage of Monticello and returned, with a pencilled hand in the margin opposite to the passage and on a separate paper, a note merely saying the description was "*a little too poetical.*" Quoth I to myself, "you are too old and cold—and I shall not mind you;"—but I could not help doing it, for all that. Judge Cabell read it twice or thrice under the influence of Mr. Jefferson's objection, and declared himself of opinion that the objection was groundless. Judge Brockenborough on reading the manuscript the first time, observed to me, in conversation, that he thought the passage *too flowery;* but when he returned the manuscript, he observed that he had changed his opinion and thought it highly beautiful. Such was the posture of things when Frank came down and united with Mr. Jefferson. I then determined, if *you* fell into the same opinion, to expunge the passage; and this resolution was strengthened after Frank went away, by Col., now Judge Parker (of whose critical abilities I think very highly), who was of opinion that *there was rather too much of it.* I was on the point of striking it out, when Frank's letter and then yours came to restore the balance to its *equilibrium.* With a court so divided, I confess myself at a loss how to decide. As at present advised, however, I believe I shall hazard it, though not without fear and trembling, I confess.

In the meantime, suppose you try Henry Tucker's opinion on it. It is, indeed, by no means a fair trial to read a passage of this

sort, detached from the warming preparation which ushers it in—but if it does not strike him as extravagant, ranting and rhapsodical, when read in this way, I shall have the more confidence in its success. The passage, I know, may be ridiculed, and successfully ridiculed, too, so far as to raise a laugh, but so may any thing however beautiful. Whether it deserves to be ridiculed, is the question I wish to have decided. G. H——'s rule is to strike out every thing of which he is made to doubt, and probably it is owing to this, that his writings are so smooth and perspicuously *insipid*. I had much rather have faults than to have no beauties: and who that ever had beauties was without fault? The most beautiful author in the world is, perhaps, the fullest of faults. I mean Shakspeare—who, by-the-bye, has a passage that has been several times recalled to my recollection by the objections to my stream. It is in Macbeth:

> "And Pity, like a naked new born babe
> Hors'd on the sightless coursers of the air,
> Shall blow the horrid deed in every eye,
> *'Till tears shall drown the wind.*"

I hope my stream is not as bombastic as this.—But enough of this "confounded stream," as you are ready to cry.

A word or two, however, as to the general style of my book. I had, at first, a thought of trying to imitate the beautiful simplicity of Currie, in his Life of Burns; but the subjects are so different that I could not satisfy myself with that style. I found it impossible to give any idea of the overwhelming power of Mr. Henry, without taking more scope and a bolder range. Is the reason satisfactory?

I thank Heaven, the attack which I had when Frank was here, was of very short duration. I am as hearty as a buck, and as our friend Pope says, "as fat as a fool," so that I shall have no apology for a trip to Winchester, and shall have my hands too full of business through the vacation to make an excursion for pleasure. I shall do all that I have to do for Henry in a fortnight: the book will appear in October.

But Fielding Lucas, of Baltimore, has been here since Frank went away, and claims a promise which I made him some months ago, to furnish a few numbers for a new edition of the Old Bach-

elor. Can you help me out with a few *levigaters?* for you agree with me, I think, that the work is at present too grave and heavy to fly well.

He is about to print an edition on the same type and of the same size with his neat edition of the British Spy, and I wish, if possible, to prevent him from suffering by his enterprise.

Shall we never see you in Richmond? Are we never to meet again? I have a tribe of children to shew you, of whom I have reason to be proud. But let me not boast; for as Sancho sagely observes, "nothing is so vain, as vanity?"

We are all well, and unite in love to you and yours,

WM. WIRT.

TO FRANCIS W. GILMER.

RICHMOND, August 11, 1817.

DEAR FRANCIS:

I owe you several letters, which, if you insist on punctilio, you must let me pay you as I can, for I am very busy; and though not lazy, what comes pretty nearly to the same thing,—unsystematic, and, of course, pressed and oppressed by my business.

I had just determined to strike out the figure of the mountain stream, upon Parker's concurrence with you and Mr. J., when your last letter, and then the Chancellor's, came to change my resolution. I think if you will read this passage without the figure, you will feel that something is wanting, and that you would have felt this, although you had never seen the *said* figure. The objection made by Parker is, that *there is too much of it;* that is, as I understand it, the resemblances are too minutely and circumstantially followed out. The four most interesting situations in which moving water can be seen are, I think, the streamlet playing down the mountain's side,—the cataract,—the placid river of the West,—and the stormy ocean. I think it must be admitted that either of these, singly, and all of them in succession, bear an apt resemblance either to poetry or eloquence. The streamlet seems the most objectionable; yet Brent's eloquence, you may remember, was entirely of this cast, and Henry's could be so whenever he pleased. Suppose we abridge the passage thus: "His eloquence was poured from inexhaustible sources, and as-

sumed every variety of hue, and form and motion that could amaze or persuade, instruct or astonish. Sometimes, it was the limpid rivulet murmuring down the mountain side, and winding its silver course between margins of moss; then gradually swelling to a bolder head, it roared in the headlong cataract and spread its rainbows to the sun; now it moved on in tranquil majesty, like a river of the West reflecting from its polished surface, grove, and cliff, and sky; anon it was the angry ocean, chafed by the tempest and hurling its billows in sublime defiance of the storm that frowned above." Will this mend the matter? Submit the comparison to our Winchester counsel.

The greatest objection I have to it myself, is that I have discovered, since you went away, the figure to be in part anticipated and wholly eclipsed by an un-named quotation, in Stewart's Essays. It is possibly from Beattie,—or is it Dryden?

> "Now the rich stream of music winds along,
> Deep, majestic, smooth, and strong,
> Through verdant vales and Ceres' golden reign;
> Now rolling down the steep amain,
> Headlong, impetuous, see it pour,
> The rocks and nodding groves rebellow to the roar."

There is difference enough, however, both in the features and application, to save me from the imputation of plagiarism, of which I have certainly been no farther guilty, than as mountain torrents, cataracts and oceans have been lawful prey for these occasions, ever since the days of Homer, at least.

The remarks on the different talents of speaking and writing have been altered, as you will see, by reference to my letter to the Chancellor.

Fielding Lucas has been here, and complained greatly of your having forgotten your promise to continue the sketches. I am sorry you made the promise,—considering the very limited materials on which you had to work, and extreme delicacy and danger of the task. What is to be done? I should think you might make something interesting of Rufus King, Webster, Calhoun, Lowndes, Forsyth and Barbour. Then, there is Mr. Madison still untouched, but whom you never heard; although, from knowing him, you may easily imagine his manner, and can pro-

cure his speeches. There is Gouveneur Morris, too, of whom you may learn much, I should suppose, from Judge White. Suppose, too, you embalm the memory of Brent, or Ames, or Hamilton? But publish nothing that will not redound to your fame, (even if you have to beg off from Lucas,) and do not publish without consulting at least one candid and judicious friend. You cannot find one better qualified than the Chancellor, who is at hand; and, trust me, you may avoid mischief by consulting him. We all missed you very much, after you left us. Shall we not see you again? You have our good wishes. My wife and children join in love to you. Cabell asks, in a letter, how you dare to come to town, when he is away?

Farewell—may you be all that you wish!

Your friend,

Wm. Wirt.

The disputed piece of rhetoric, referred to in these two letters, was retained, notwithstanding the severer judgment of the friends who condemned it. The author was not willing to consign it to that limbo of darling conceits to which the discarded favorites of many a glowing brain have been banished by the ruthless decree of friends who have been called to set in judgment over unpublished manuscripts. The biography having been now submitted to its last ordeal, been read and re-read by critics partial and impartial, discussed in general and in particular, amended and made perfect,—as far as imperfect human skill, under many conditions of embarrassment and disablity may do such work,—is at last sent to the press, not without many misgivings, doubts and fears, nor without some sanguine hopes, more characteristic of the writer's disposition. In the following letter, one may almost hear him whistling to keep up his courage.

TO JUDGE CARR.

Richmond, September 13, 1817.

My Dear Friend:

You have expressed so much anxiety that I should get Patrick Henry off my hands, that I am sure you will be relieved by being told, that, on Friday the fifth of this month, I delivered the whole

manuscript, from the title page to "finis" to Webster's agent; that it reached Philadelphia, I suppose, last Thursday; and that before this reaches you, it will be in the press. The press is to be corrected by Mr. Hanna, a young gentleman of this place who copied the manuscript, and by the celebrated Judge Cooper. The latter has just assured me, through Webster, that he will do every thing in his power to have the typography perfect; and Webster has purchased a new font of elegant type for the occasion. The paper is of the very first quality, and Webster has pledged himself that the mechanical part of the work shall do me honor. Does not all this preparation make you quake for me, and do you not catch your breath as you say to yourself, "*Parturiunt montes*," &c.? Remember, this is the first work I have ever offered to the public, *with my name to it*, and I confess the novelty of the situation gives me some unpleasant throbs. But "the deed is done—the die is cast," and I suppose that by Christmas I may add, "war comes riding on the blast." But "damme, who's afraid?" "There was an old prophecy found in a bog—Lilliburlero, bullen a la," &c.

I have this consolation, that if the book has merit there is no critic in America who has sufficient weight of character to destroy it, and if it has not, it would die a natural death without their help; so that I have nothing to fear from them. If they should take it into their critical noddles to praise it,—why, well and good,—"they are heartily welcome, an' it were twice as much." If they abuse it, we will either abuse them in turn or be silent, as circumstances may require.

As to European critics, let them tomahawk away. It is not expected of them to extol anything American. So you see the resources of comfort to which I am ready to resort. To say the truth, (between you and me and the post,) there is a part of the book which I myself think extremely heavy and soporific, but it was unavoidable; for it is that part in which I have been obliged to rely on David Robertson's reports of Henry's speeches in the convention, and in the great British debt case. The work would have been obviously very incomplete without this part of it, and yet, with it, that part of the road is very deep and miry. But if the reader does not choose to wade through it, he can hop over it, and so he cannot blame me if he

soils his stockings. Webster thinks he can have the book here by the first of December, in order to meet the Assembly; and in the meantime I shall try to forget it—to which, as a friend, I also advise you.

* * * * * * *

I owe Frank a letter. Tell him I will pay him shortly with interest. Give our love to him, and to your hearth and family gods, not forgetting Tucker.

Your friend forever,

WM. WIRT.

The "Sketches of the Life and Character of Patrick Henry,"—this was the title of the book,—went rapidly through the press and appeared in public about the first of November. This was a period of great interest in the life of Wirt. He had not only thrown himself before the world, for the first time, in the avowed character of an author, with his name appended to his work, but he was also, at this epoch, called to assume a position of great notoriety and observation in the political concerns of the country, and to accept the office of Attorney General of the United States, which had been recently vacated by the appointment of Mr. Rush to represent the government at the Court of St. James.

The following letter from the President contained a summons which, it is said, and, I believe, truly said, was altogether unexpected, as it was certainly unsought by him to whom it was addressed.

JAMES MONROE TO WILLIAM WIRT.

[Private.]

WASHINGTON, October 29, 1817.

DEAR SIR:

The vacancy made in the office of Attorney General of the United States, by the appointment of Mr. Rush Minister to England, enables me to offer it to your acceptance. Highly respecting your talents, and having long entertained a sincere friendship for you, I need not add that it would be very gratifying to me to find that this proposition accorded with your interest and

views. Should this be the case, I hope that it will be convenient to you to join us at an early day, as there are many subjects of great importance requiring early attention. A visit to Richmond to attend to your engagements there, after the expiration of a few weeks, would not, I presume, interfere with your duties here.

I am, dear sir, with sincere regard,

Yours,

JAMES MONROE.

When this letter reached Richmond Wirt was at Norfolk, in attendance upon the Court there, as the District Attorney of the Government. The following playful letter, written to Mrs. Wirt at this time, will show how unconscious he was of the purpose of the President, and with what gaiety of spirit he pursued his customary avocations. His authorship and its anticipated triumphs, the reader will see, were, by no means, in the back ground of his merriment.

TO MRS. WIRT.

NORFOLK, November 3, 1817.

* * * * * * *

"You can easily conceive the painful disappointment I met, when, on running to the carriage door to open it, I found it empty, and had an explanation from James of the whys and the wherefores. That you and our dear children should be all disappointed by such a cause, was intolerable. 'Well,' quoth I, trying to recover myself, 'bring down my trunk and cloak.'—'Your cloak?' said Frederick. 'Yes sir, my cloak;—take it out of the carriage, and bring it into the boat.' 'Your cloak ain't in the carriage, sir.' 'The d—l it ain't, and why ain't it?' 'You never told me to bring it, sir,'—'nor me nother,' said James,—'nor me,' said Morris;—which, to make the matter worse, (for it left me no one to scold at) reflection assured me was true;—for I had only told Omai,—and requested Robert and Cabell, each, *most emphatically, twice or thrice.* But then said reflection again, in a pretty audible voice,—'consider what a hurry they were in,—and how they must have been fretted by the refractoriness of the horses;—children crying, and perhaps your wife not far from it.

Was that a time to think of cloaks? For shame, man!' Says I, 'Madam Reflection, you will be so good as to kiss my foot.' Says she, 'I shan't. Shame on you, man, I say again!' And so, she and I went grumbling on for five or six miles down the river. At last, thinks I, I will get a book and read it off. 'Captain, have you any books, on board?' 'No, sir, not one.' 'Captain Shuster (your predecessor) kept books for his own amusement, and that of the passengers.' 'Yes, sir, and Mr. Tazewell means to have a library for *this* boat.' 'I am glad to hear it;—it is a great comfort for me, *at present* to know what is intended *hereafter*.' 'Can't help it sir!—You man at the helm, luff, luff.' Says I to myself, I will go and lie down. 'Steward, is it lawful on board of this boat to lie down in the day time?' 'Yes sir, in your own berth.' 'But my berth is in the second tier, four feet and a half from the cabin floor, and I can't climb up into it without taking off my coat and shoes. I don't want to go to bed, but merely to loll awhile.' 'You must loll in your berth, then, sir.' 'Savage!' thought I, 'do you know or can you imagine the disappointments and crosses I have met with this morning?' Says reflection, again,—'Is this patience?—is this dignity? Fie on you, man!—forget your little frivolous vexations, which no *man* would think of for a moment. Don't you see that your fellow passengers know you, although you don't know them? That they are looking at you and whispering,—there is the author of the Life of Patrick Henry, &c., &c.' Says I, 'I doubt whether they ever have heard, or ever will hear of it.'

"By degrees I began to get composed. The boat flew at the rate of fifteen miles an hour. As we shot between Westover and Maycox, I remembered you, my love, and the feelings with which I had crossed the ferry with you and our infant Laura, some thirteen years before, on our way,—our mournful way,—to Norfolk. In these thirteen years, what revolutions upon revolutions, changes upon changes, losses and gains,—what variety of events! Yes, thirteen years have since rolled over us, and have found us, if I know my own heart and yours, with affections unabated, and esteem increased. This reflection contributed still more to soothe me, and a good night's rest has put me in humor with myself and the world. We reached Norfolk at three o'clock this morning. A little after daylight I packed off to Davis's again, (Dana's old

house) opposite to Tazewell's, where I have a very good room. In the same house are our parson Hart, and his lady—and Young, the actor, and *his* lady—besides several other transient boarders. We had a court to-day, in which I got several judgments for the United States, amounting to about two hundred dollars in fees. To-morrow I go on again in the same way,—and by industrious effort hope to return in the steamboat on Friday. The players are here,—Cooper among them: They play the Honey Moon to-night, and Hamlet on Wednesday. Rather think I shall go to hear them. I dine with Tazewell *en famille*. The hour has arrived: so, for the present, fare thee well! I shall write you farther to-morrow morning."

Tuesday Morning.

"Well, I went to see the play. Tazewell, Taylor and the Nivisons were of the party. The play, you may remember, is a very good one. Cooper played the Duke, and Mrs. Young, Juliana. The play was well performed, and so was the after piece, the Lock and Key. I had not seen a play for six years, and yet, I must acknowledge I had very little enjoyment in it. It seemed to me almost as stale and flat 'as a twice told tale, vexing the dull ear of a drowsy man.' How is this to be accounted for, but that the tiptoe curiosity, imagination and sensibility of youth are gone, and that time is laying his icy hand on the sources of my enjoyment? The scenery was quite passable;—the dresses most splendidly theatrical—and the orchestra scraping and blowing and jigging away, as merrily as possible. But it all would not do for me—the novelty was gone. I dare say if you and our children had been with me, I should have caught your enjoyment by reflection:—but enough of this."

* * * * * * *

Upon his return from Norfolk, Wirt immediately repaired to Washington. The few letters which follow, tell their own story, and supply a pleasant chapter in the history of a joyous heart which has reached the goal of its desires. We have here a picture of a public man and an author, entering upon a new career of honorable enterprise, surrounded by many blessings, and who now, in the glory of an exulting manhood, with every prize in possession, which his ambition might have coveted, wins our

esteem by the genial glow of his domestic affections, and by his wise appreciation of that richest and purest source of human happiness, the simple and natural pleasures of the family home.

TO MRS. WIRT.

WASHINGTON, D. C., November 13, 1817.

MY BELOVED WIFE:

The die is cast,—I have accepted the office. Mr. Monroe and such of the cabinet as he consulted were clearly of opinion that there was no kind of necessity to give up my connexion with the foundry.* They all assure me that there is nothing in the duties of the office to prevent the general practice of my profession in this place, and attending occasional calls to Baltimore, Philadelphia, or elsewhere. Nothing remains but the quantity of business, and of this I have not been able to get complete information, because of the absence both of the clerk and of Swann. I have been compelled, therefore, to act on such as I could get; and on this, under Heaven's guidance and support, I have no doubt of bettering the situation of our dear children by the move. I cannot yet say when I will return:—in a day or two I shall be able. I write this with flying fingers, having just returned from a consultation with the President, and finding the mail hour arriving. So, love and kisses to our blessed children; and may God of his infinite mercy follow with his blessing what I have done for them in this decision.

Your own,

WM. WIRT.

TO MRS. WIRT.

WASHINGTON, D. C., November 17, 1817.

MY BEST BELOVED:

I have just returned from paying and returning a round of official and ceremonious visits,—a business, you know, of all others, the most congenial with my temper and habits!—I set

* This has reference to an interest which Mr. W. had in some iron works in Virginia, which probably had some government contracts to fulfil.

out at ten o'clock; it is now one. I have been to the President's, the Secretary of State's, the Secretary of the Treasury's, the acting Secretary of War's, the British Minister's, the British Consul's and Secretary of Legation's, Commodore Decatur's, &c., &c. How do you think you will stand all this? And yet you will have to go through it all; aye, and more too. Why that sigh? It is nothing when you get used to it. Bagot is a prime fellow, and his wife is another. You will like them. Our dear children will like the old Abbé Correa; and our dear E— will like Com. Decatur. Robert will like the Indian chiefs; poor L— will like nothing, and want to go back to Richmond; the others will like being in a new place where they will have elbow room enough to play at large; and I will love you all, and be as happy as the day is long, if my profession succeeds.

WM. WIRT.

TO MRS. WIRT.

WASHINGTON, November 20, 1817.

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I have just received your favor of the 18th, and have told Mr. Baily that I am off. I shall either rent or purchase, as I find best, since you leave me at large. You know I came on with the expectation of staying two or three weeks, if I should accept, in order to throw off from the office the load of business which had accumulated since Mr. Rush's resignation. This I am doing as industriously as I can, and when done, I shall, as you suggest, come to Richmond and stay some weeks to arrange my business there. I am extremely anxious to get my family on before the steamboats are stopped by the ice,—for the roads are horrible in the winter. As to my living separate from them, I would die first. I fear you are suffering yourself to be made melancholy by this change of residence; but if you are opposed to it, why did you not tell me so? I thought the proposal had your approbation, and that you even preferred my acceptance. If you have changed your mind, (as you did in the Kentucky case,) I live but for your happiness, and will lay down the office without hesitation. It would, indeed, be extremely fickle and undignified, and I should be lashed for it in those prints which are now ring-

ing my praises here in full chorus; but I would rather be lashed to the very bone than to see you unhappy.

* * * * * *

The newspapers seem to be trying what ballast I have on board. I am quite ashamed of the magnificent eulogies which they are sounding here on my talents, accomplishments and all that; and in Philadelphia the rapturous encomiums which they are bestowing on my book. But they have not yet unsettled the trim of my wherry; nor will they, if I know myself. I keep as steady as possible, in the expectation of a counterblast; for the praise is too high to last, and, I know, much more than is deserved. All these things settle, at last, to their proper grade—too high to-day, too low to-morrow; but, like the vibration of a well-poised needle drawn aside from its polar direction and then let go, however it may swing backwards and forwards for a while, it points right at last.

* * * * * * *

Give my love to L—. I enclose her a curiosity. Let her hold it between a candle and the wall, and she will see on the wall the head of our Saviour. Incledon, the celebrated singer from the London stage, is now here. I have heard him sing. I would not give Maria M——'s Savoyard for his whole collection. Yet he sings well, for a man.

Wm. Wirt.

CHAPTER II.

1818.

PUBLICATION OF THE SKETCHES OF PATRICK HENRY.—ITS RECEPTION.—CHARACTER OF THE WORK.—UNFRIENDLY COMMENTS OF THE NORTH AMERICAN REVIEW.—NOTICE OF THIS CRITICISM.—RE-PUBLICATION OF NOVANGLUS AND MASSACHUSETTENSIS BY MR. ADAMS, WITH SOME REFERENCE TO THE SKETCHES.—CORRESPONDENCE BETWEEN MR. ADAMS AND MR. WIRT.

The Sketches of the Life of Patrick Henry, were well received by the public. The newspaper criticism, which immediately followed their appearance, was lavish of encomiums upon the author. His promotion, at the same period, to a post in the Cabinet, we may suppose, did not diminish the zeal of commendation. Congratulations were poured in upon him for the eminent success of his labors, from many quarters;—from true friends who really took pleasure in his prosperity,—from the selfish who had favors to ask, and wished to be kept in memory by a distinguished member of the Cabinet,—and from those whose nature, without a more special motive, inclined them to pay homage to a rising man. In this multitude there were some judicious and able critics, whose praise came with most grateful savor to the author, and he received their expressions of approbation with the joy which belonged to his character. In some of the letters which will be presented in this chapter, we may note the radiant gaiety of heart which these tributes inspired.

First, amongst those who took an early opportunity to speak kindly to the biographer, were Mr. Jefferson and Mr. Adams. "I have to thank you"—says Mr. Jefferson, in a letter of the 5th of January,—"for a copy of your late work, which you have been so kind as to send me, and then to render you double congratulations—first, on the general applause it has so justly received, and next, on the public testimony of esteem for its author, manifested by your late call to the Executive Councils of the Nation. All this I do most heartily." With Mr. Adams it furnished occa-

sion for a correspondence of some interest, to which we shall presently refer.

The more elaborate criticisms of the Reviews were not so indiscriminate in their praise, as the newspaper press. The notice of the Sketches by the North American Review,—the most prominent and authoritative, at that time, of the periodicals of the United States—contained mingled commendation and censure, in which the asperity of the latter outweighed the good will of the former. I will not say that a Boston Review might be expected to deal severely with a work whose aim was to give a conspicuous eminence to the claims of Virginia as the the *leader* of the Revolution, but it is quite natural to suppose that the strenuous assertion of such claims would not be permitted to pass unquestioned in such a quarter, nor be viewed without such a degree of sensitiveness as would be likely to provoke a jealous scrutiny into the merit of the work and some asperity in pronouncing judgment upon it. That this was exhibited in the Review in question, I think no reader of it, at the present day, would fail to perceive.

The Life of Henry was written under such disadvantages as to give many plausible grounds for this assault. We have seen, in the course of this narrative, how much the author was embarrassed by the nature of his task. Patrick Henry, in the public mind of Virginia, was a *beau ideal* of all that was marvellous and grand in an orator and a patriot. His fame rested upon a tradition which represented only a great outline of an intellectual giant, touched with but a few misty shadowings of its proportions. There was really nothing tangible to the historian, by which he might draw an accurate picture of the man, and bring his greatness to the test of that measurement with which curious and reluctant disputants of his renown would be alone content. There is a remarkable paucity of material extant for his biography. Separating him from the history of the State in which he lived, and of the time,—the public affairs in which he was called to act,—all that is positively and distinctively known of him may be told in a few pages. He was an orator, and yet no perfect speech of his survives. He was a statesman, with but a limited record of his public acts. He was a lawyer, but far from being skilled in the lore of his profession. He was a wise and acute observer of mankind, a philosopher, a deep and original thinker,—yet not a

paper has he left behind him to preserve the treasures of a mind which teemed with instruction and beauty. The rich fruit as it ripened, fell to earth ungarnered, and gave back its subtle essence to the atmosphere in which it had been engendered—posterity nothing the gainer from its prodigal affluence. An undefined remembrance of great power, only, survived.

When Wirt essayed the task to gather up the remnants of Henry's history, he had no conception how small the stores would prove to be to which he might resort; how difficult of access, even, that scant fund of information which was extant. For twelve years, employing in his pursuit such intervals of leisure as his profession afforded, he devoted himself with more or less diligence to the collection of his materials. We have seen, in his letters during this period, what were his labors, his resources and his disappointments. The actual literary workmanship upon the book might have been easily accomplished in ninety days. This repetition of ineffectual search, this long dwelling upon small incidents, this appeal to the memory of survivors, to the aid of friends, and to floating traditions, gave an inexpressible weariness to his task, and he was left, at last, for the delineation of the highest and most attractive points in the picture of his hero, to the vague resources of a popular memory, conversant only in the exaggerations which the marvel-loving minds of the people had created to invest their idol with incredible perfections. The author of the biography had no easy duty to perform, in reducing the tone of these pictures so as to bring them within the bounds of probability. He is censured that he has not always been successful in doing this. We may concede something to the truth of this charge. The reader of the Sketches of Patrick Henry will, doubtless, find more than one occasion to remark, that the author has not sufficiently winnowed the improbabilities, not to say the impossibilities, of the story which has reached him through the excited popular imagination. But I think every candid reader will also say, that Mr. Wirt has made out of all these untoward materials, a most agreeable, stimulating and well sustained picture of the life of the most extraordinary man this country has produced. The style is, with some few exceptions, remarkably pure and transparent, the narrative is clear and unembarrassed, flowing so smoothly as to transport the reader, almost uncon-

sciously, to the end of the volume. It abounds in good thoughts eloquently expressed, and imparts lessons of wisdom which may be profitably studied by young and old. The concluding section of the work contains a beautiful dissertation upon the characteristics of Henry's oratory, which is quite Ciceronian in its style and thought, and will be admired as long as this volume shall find a reader, or a scholar shall delight in vivid portraitures of genius.

But, notwithstanding these commendations, the Life of Patrick Henry has not added to the fame of Wirt. It is even to be regretted that he undertook this task. As an entire performance, it disappoints the reader,—not in relation to Henry, but in relation to the author. 'The Life of Patrick Henry by William Wirt,—of the great orator of Virginia by a kindred votary of the art,—is an announcement which prepares the reader to expect much more than has been performed. We make no allowance for defective supplies of information, for the fleeting life of great speeches even on the greatest occasions. We have heard something of the marvellous powers of the gifted sage, in the few anecdotes which have reached us of his sway over the hearts and minds of a heroic generation. We suppose these to be but some scattered scintillations from a great orb of light, of which the biographer is prepared to open all its effulgence. We read, and we discover that these forerunning anecdotes are, in truth, all; that the magnificent idol of the temple is shrouded from view, by a cloud which has been penetrated only by these rare flashes of light which are but so many unsatisfactory and tantalizing revelations. We perceive and commisserate the sedulous and ambitious labor of the author to compensate us for this disappointment, in the glowing exercise of his own imagination to supply the meagreness of authentic details. We cannot help feeling that the labor expended by him in this enterprise would have built him up, on a more auspicious field, a nobler monument of literary renown, with which his name might have been fondly associated in generations to come.

The Reviewer of the North American complains, unreasonably, of the minuteness with which Mr. Wirt dwells upon the history of the period in which Henry acted. A reconsideration of this topic would, doubtless, suggest to him the injustice of his censure. Henry's fame,—at least all of it that does not specifically belong

to the triumphs of his eloquence,—is especially identified with the influence he exerted over the course of public events in Virginia, and, to a certain extent, in the colonies at large, to which the history given in the biography refers. Henry's prominence in leading off upon the road that lay in the direction of open rebellion and flagrant war, when the Stamp Act first alarmed the Colonies, is one of the brightest passages of his history. His actual resort to arms and the embodiment of troops, in the affair of the seizure of the gunpowder at Williamsburg; his proposal to organize the militia, and his early declaration, "We must fight,"—furnish topics in the illustration of his character, upon which his biographer could not lay too much stress; and it certainly would have been impossible to give to these events their proper value and significance, without a history, somewhat in detail, of the public transactions with which they were connected.

The Reviewer, more legitimately, questions the accuracy of some of Mr. Wirt's statements in regard to the origin and movement of the Revolution. Upon the authority, in part, of Mr. Jefferson, and, in part, of what in Virginia was held to be authentic history, it is asserted in the biography, that Henry "gave the first impulse to the ball of the Revolution." This assertion was, perhaps, too strongly made. It is difficult to assign such an exclusive agency to any one man in the Colonies, during the agitation which preceded the war of the Revolution, as to entitle him to this merit. Henry, undoubtedly, moved in advance of his compeers in Virginia. In looking to the transactions of Massachusetts at that date, we are led to remark how closely he seems to have followed in the path of the Northern leaders, and how intensely his sympathies were kindled with their spirit. A most interesting parallel may be seen in the career of James Otis and Patrick Henry, throughout all these movements. Whether the effect of accident, or design, the one seemed to march in the footsteps of the other. It is a curious coincidence in the history of these two men, that, in the progress of the revolutionary prelude, they should each have became conspicuous for the identity of their views upon the chief topic of agitation; for the equal boldness with which these views were presented; for the resemblance in the occasions which called forth each; for the apprehensions which each inspired; and for the control which each exerted

over his associates. The parallel is sustained even to that startling point in the history of each, when either was checked in the Colonial legislature, to which he belonged, by the cry of "Treason."

Throughout this path, in each movement, Otis had the advantage of priority of date over his comrade. The clock of the Revolution was only set a little forward in Massachusetts. In Virginia it kept as regular time, and struck with the same precision the hours that bore the cause of freedom onward, witnessing the same inevitable progress of brave and wise men to the consummation of their great work.

Mr. Jefferson took occasion, in view of the precedence of Otis in these events, to qualify the remark he had made to Mr. Wirt. "I well recollect to have used some such expression in a letter to him,"—Mr. Wirt,—he writes to Dr. Waterhouse on the 3d of March, 1818,—"and am tolerably certain that our own State (Virginia,) being the subject under consideration, I must have used it with reference to that only." He repeats this afterwards in a letter to Mr. Adams on the 17th of May in the same year. His authority, therefore, may be regarded as settling the point of dispute which has been raised against the accuracy of Mr. Wirt's narrative in this particular. The point, however, is of little importance either to the fame of the individuals or of the States concerned. The merit of the action of both consists in its adaptation respectively to the actual state of affairs, the wise employment of occasion to work for the great end proposed:—it derives nothing from the time in which it became proper for either to give a hand to the enterprise.

The Reviewer has not made out so clear a case upon another point of objection to the statements in the Sketches. This refers to the Committees of Correspondence, which were established in 1773, between the several Colonies. It will be recollected, from what we have had occasion to notice in a former chapter, and which may be seen also in the Sketches of Henry, that the proposition to establish the Committees was moved, in the House of Burgesses of Virginia, by Dabney Carr. The resolutions were offered on the 12th of March, 1773. One of the resolutions is in these words:

"Be it resolved, that a standing Committee of Correspondence and Inquiry be appointed, to consist of eleven persons, to wit: the Hon. Peyton Randolph, Esq., Rob't C. Nicholas, Richard Bland, Richard Henry Lee, Benjamin Harrison, Edmund Pendleton, Patrick Henry, Dudley Digges, Dabney Carr and Thomas Jefferson, Esquires, any six of whom to be a committee, whose business it shall be to obtain the most early and authentic intelligence of all such acts and resolutions of the British Parliament, or proceedings of administration, as may relate to or affect the British Colonies in America; *and to keep up and maintain a correspondence and communication with our sister colonies* respecting those important considerations; and the result of such their proceedings, from time to time, to lay before this house."

In reference to this proceeding, it is remarked in the biography, that "this house had the merit of originating that powerful engine of resistance, corresponding committees between the Legislatures of the different colonies;"—which remark is qualified by a note which affirms, upon subsequently acquired information, that, "the State of Massachusetts is entitled to equal honor; the measures were so nearly coeval in the two states, as to render it impossible that either could have borrowed it from the other." To which it is added, that "Mrs. Warren, in her very interesting history of the revolution, admits that the measure was original on the part of Virginia."

The Reviewer charges "this whole statement" with being erroneous. "The truth is"—he adds—"the plan originated in Boston, more than four months before it was meditated in Virginia. It was devised by Mr. Samuel Adams and Mr. James Warren, of Plymouth, and the first committee was appointed, on the motion of Mr. Adams, at a town meeting held November 2d, 1772."

In the evidence which the Reviewer presents to sustain his objection to the accuracy of Mr. Wirt's statement, he is very far from making out his case. The Boston proceeding to which he refers, suggested a committee of twenty members, who were instructed "to state the rights of the colonists, and of this province in particular, as men, as christians and as subjects; to communicate and publish the same to the several towns in this province and to the world, as the sense of this town, with the infringements and violations thereof which have been, and, from time to

time, may be made; also requesting of each town a free communication of its sentiments on this subject."

There is nothing in these instructions to the Boston committee which will warrant the inference of a purpose to establish and maintain a correspondence amongst the colonies. In fact, these instructions seem to point out no other course of action than that which was already in progress in several of the colonies—the statement, namely, of their rights and their grievances, the collecting of information as to the proceedings of the day, and the promulgation of the result of their labors by free communication. The idea of interchange of opinions, in the way of correspondence with the other colonies, is not broached in the instructions. Nor was any suggestion made by the committee, in their report of the 19th of the same month, when they responded to the duties assigned them in the resolutions of the town meeting.

The Virginia Resolutions were not even, therefore, an extension of the plan "adopted by the town of Boston the year before," as Dr. Holmes intimates in his Annals;*—they contained an original proposition to bring the colonies into conference, and no doubt, as Mr. Wirt remarks, "led eventually to a Congress of the colonies."

The effect of the Virginia proceedings is amply illustrated and, in view of the question between the biographer and his reviewer, interpreted by the next public meeting in the town of Boston, which took place on the 5th of May, 1773. Certain resolutions of instruction to the representatives of the town, adopted on that occasion,† recommend "to their most serious consideration, whether *an application to the English colonies on this continent, correspondent to the plan proposed by our noble, patriotic sister colony of Virginia* (which in our opinion is a wise and salutary proposal) will not secure our threatened liberties, &c."

This resolution leaves but little doubt as to the question of the origination of the committees of correspondence, and totally disarms the displeasure of the reviewer of its point. We may remark of this question, as of the former one, that it scarcely presents a ground of criticism of sufficient importance to justify the discussion it has elicited—much less the tone of reprimand in which it is treated; for whether the one or the other of these States led

* Vol. 2. p. 180, edition of 1826. † Ib.

the way in this movement, there is nothing in the history of either to show that each did not act precisely as the emergency required. Nor is it pretended that the suggestion of the committees of correspondence by Mr. Carr, was not the original and unprompted action of the Legislature of which he was a member.

It will be thought, perhaps, that I have dwelt upon this notice of the Sketches of the Life of Patrick Henry, with more emphasis than my subject required. The reader will see the motive of this dissertation in the correspondence which arose, during the present year of our narrative, between Mr. Wirt and Mr. John Adams. The appearance of the Life of Patrick Henry and the correspondence I refer to, furnished occasion for the publication of a most interesting volume, which in the year 1819, was prepared for the press under the direction of Mr. Adams. Its title will explain its character and contents—"Novanglus and Massachusettensis, or Political Essays, published in the years 1774 and 1775, on the principle points of controversy between Great Britain and her colonies. The former by John Adams, late President of the United States; the latter, by Jonathan Sewall, then King's Attorney General of the Province of Massachusetts Bay. To which are added a number of letters lately written by President Adams to the Hon. William Tudor."

The publication of this volume furnished another opportunity to the North American Review to assail the accuracy of Mr. Wirt's statements, in reference to the commencement of the Revolution. In the notice which I have already taken of the review of the Sketches, I have said all that is necessary upon the points in dispute, which are repeated in this later article and treated somewhat more in detail than in the first.

The re-publication of Novanglus and Massachusettensis, with the recent letters added to the volume, is a most agreeable continuation to the History of the Revolution; and it will always be considered as one of the happy results of Mr. Wirt's labors in the Life of Henry, that they have stimulated the elder sage of Quincy to a task of so much edification and value to the country. It is not too much to say of this rare volume, that no one of the present generation, at least, may be considered to be fully informed in the history of American Independence who has not perused it. Two of the letters contained in this volume, belong to

the correspondence with Mr. Wirt, and appropriately claim a place in our pages. A third not published in the work alluded to, will be read with equal interest, as connected with the subject described in the Sketches:

JOHN ADAMS TO WILLIAM WIRT.

QUINCY, January 5, 1818.

SIR:

Your Sketches of the Life of Mr. Henry have given me a rich entertainment. I will not compare them to the Sybil conducting Eneas to the regions below to see the ghosts of departed sages and heroes; but to an angel conveying me to the abodes of the blessed on high, to converse with the spirits of just men made perfect. The names of Henry, Lee, Bland, Pendleton, Washington, Rutledge, Wythe, Dickinson, &c., will ever thrill through my veins with an agreeable sensation.

I am not about to make any critical remarks upon your work at present—but, sir,

"Erant heroes ante Agamemnona multi."*

If I could go back to the age of thirty-five, I would endeavor to become your rival,—not in elegance of composition, but in a simple narration of facts, supported by records, histories and testimonies of irrefragable authority. I would adopt your title, "Sketches," in all its modesty—Sketches of the Life and Writings of James Otis, of Boston—and, in imitation of your example, I would introduce portraits of a long catalogue of illustrious men, who were agents in the revolution.

* In the copy of this letter as printed in the volume I have referred to, Mr. Adams made several corrections—one especially upon this passage—adding to the line above quoted, as follows:

—"Or not to garble Horace—

Vixere fortes ante Agamemnona
Multi: sed omnes illacrimabiles
Urgentur, ignotique longa
Morte, carent quia vate sacro."

I have perused the manuscript in my possession, of which a fac simile may be seen in the front of this volume.

Jeremiah Gridley, the father of the bar in Boston and the preceptor of Pratt, Otis, Thatcher, Cushing and many others; Benjamin Pratt, Chief Justice of New York, James Otis of Boston, Oxenbridge Thatcher, Jonathan Sewall, Attorney General and Judge of Admiralty, Samuel Quincy, Solicitor General,—Daniel Leonard,* Josiah Quincy,† Richard Dana, and Francis Dana—his son, Minister to Russia, and afterwards Chief Justice,—Jonathan Mayhew D. D., Samuel Cooper D. D., James Warren‡ and Joseph Warren, John Winthrop, Professor at Harvard College and member of Council, Samuel Dexter the father, John Worthington of Springfield, Joseph Hawley of Northampton, Governors Hutchinson, Hancock, Bowdoin, Adams, Sullivan, and Gerry, Lieutenant Governor Oliver, Chief Justice Oliver, Judge Edmund Trowbridge; Judge William Cushing, and Timothy Ruggles ought not to be omitted. The military characters, Ward, Lincoln, Warren, Knox, Brooks and Heath, &c., must come in, of course. Nor should Benjamin Kent, Samuel Swift or John Reed, be forgotten.§

I envy none of the well merited glories of Virginia, or any of her sages or heroes, but I am jealous, very jealous, of the honor of Massachusetts.

The resistance to the British system for subjugating the colonies, began in 1760, and in 1761, in the month of February, when James Otis electrified the town of Boston, the Province of Massachusetts Bay and the whole continent, more than Patrick Henry ever did in the whole course of his life. If we must have panegyric and hyperbole, I must say that, if Mr. Henry was Demosthenes and R. H. Lee Cicero, Mr. Otis was Isaiah and Ezekiel united.

I hope, sir, that some young gentleman of the family, the ancient and honorable family, of the "Searchers," will hereafter do impartial justice to Virginia and Massachusetts.

* In the printed copy there is added "now Chief Justice of Bermuda."

† "The Boston Cicero,"—added in the printed letter.

‡ "And his wife," added.

§ To this list the printed letter adds the names of Charles Chauncey D. D., James Lovel of Boston, and Governors Shirley, Pownal and Bernard.

After all this freedom, I assure you it is no flattery when I congratulate the nation on the acquisition of an Attorney General of such talents and industry as your Sketches demonstrate.

With great esteem, I am sir,

Your friend,

JOHN ADAMS.

The wish so earnestly expressed in this letter, for the faculty and time to do justice to the character of Otis, the venerable author himself has fully gratified in the letters appended to the re-publication of Novanglus and Massachusettensis. They are twenty-eight in number; and present a vivid and most interesting sketch of the part taken by Mr. Otis in the great drama of which he was so conspicuous an actor. This has been followed by a still more complete and finished work, from the classical pen of Mr. Tudor, on the same subject—and more recently in a Life of Otis in Mr. Sparks' American Biography.

TO JOHN ADAMS.

WASHINGTON, January 12, 1818.

SIR:

I am just honored with your letter of the 5th instant, and am truly gratified to learn that my Sketches of Mr. Henry have afforded you entertainment. If I could have anticipated such an effect, I would have taken the liberty, on the first publication of the work, to order you a copy, as a slight proof of that sincere respect which, in common with my countrymen, I feel towards you as one among the chief of our revolutionary patriots. Even yet, I hope it is not too late, in this point of view, to give the order, which I will immediately do, and to beg your acceptance of the book in consideration of the sentiment from which the offer proceeds. I have not taken this liberty towards any gentleman to whom I was personally unknown, because I thought it would argue a vain confidence in the merit of the work, which, in truth, I do not feel; nor would I now take it in relation to you, but for the favorable light in which you have been pleased to speak of the Sketches.

It is possible that I may have been led by the evidence on which my narrative is founded, to assign Mr. Henry too high a rank in the glory of the American Revolution: but if I have done so, I can affirm with the most solemn truth that I have not sinned intentionally; and there is this consolation, that as I have given, all along, the evidence on which my statements are founded, the error may be easily corrected and rendered harmless by a citation of the adverse proofs which shew it to be error.

It was as far from my inclination, I beg you to be assured, as it was from the scope and object of my work, to institute an invidious comparison between the States of Massachusetts and Virginia, in the revolutionary contest. I had been led by the histories of the times to consider them as twin sisters in this race of glory, and as running pretty fairly abreast through the whole course of it. I have not the honor to boast of my nativity in either of those States, and therefore feel none of that local, and I will add, honorable pride and jealousy which naturally grow out of our attachment to the *natale solum:* but if the case were otherwise, I should deem a minute comparison of these states better calculated to tarnish the general grandeur of the revolutionary cause, than to do honor to either of them. Whether this sentiment, however, be right or not, the single object which I had in view was to discharge my portion of that debt of national gratitude, which I thought justly due to a great benefactor of his country, to whose merits my attention happened to be peculiarly attracted, by the circumstance of having settled, early in life, in his native state—in that state which had been the particular theatre of his exertions, and in which the echoes of his fame were still resounding from every quarter, when I first entered it in the year 1792.

Had my destiny led me to commence my professional career in Massachusetts, the names you mention (many of which have been long known and revered by me) would have been rendered, by the same causes, as familiar to my mind and as dear to my affections, as the name of Mr. Henry now is. As to Massachusetts, no man, I believe, can think more highly than I do of the sagacity, the intrepidity, the heroism which marked her whole course throughout the entire period of the revolutionary struggle. It is impossible for any American at this distance of time, to read of

her sufferings, of her magnanimity and invincible bravery in that trying contest, without a burning heart and overflowing eyes; and I for one, do most devoutly wish that some one could be incited, by any cause, to record, in imperishable characters, the lives of her patriots. Far from considering an act of the most ample justice to them, as detracting, in the smallest degree, from the merits of Mr. Henry, or of any other champion of the revolution, I should hail the appearance of such a work with unaffected gratulation. The present and future generations of our country can never be better employed than in studying the models set before them by the fathers of our revolution; and I cannot forbear the expression of the hope that if no one be now disposed to give us those of Massachusetts, the materials at least, for such a work may now be collected and preserved—certain that, with such advantage, some pen of much deeper and far more durable stroke than mine, will hereafter be found to hand down the lives and characters of the illustrious men of Massachusetts to the admiration and gratitude of posterity.

I pray you to accept my thanks for the very obliging terms in which you have been pleased to speak of my appointment, and to believe me, with profound respect,

Your obedient servant,

WM. WIRT.

JOHN ADAMS, Esq. Quincy, Massachusetts.

JOHN ADAMS TO WM. WIRT.

QUINCY, January 23, 1818.

SIR:

I thank you for your kind letter of the 12th of this month. As I esteem the character of Mr. Henry an honor to our country, and your volume a masterly delineation of it, I gave orders to purchase it as soon as I heard of it; but was told it was not to be had in Boston. I have seen it only, by great favor, on loan. A copy by the author would be esteemed worth many by purchase. It may be sent me by the mail.

From a personal acquaintance, perhaps I might say, a friendship with Mr. Henry, and from all I have heard or read of him for more than forty years, I have always considered him as a gentle-

man of deep reflection, keen sagacity, clear foresight, daring enterprise, inflexible intrepidity and untainted integrity; with an ardent zeal for the liberties, the honor and felicity of his country and species. All this you (justly, as I believe,) represent him to have been. There are, however, some remarks to be made upon your work, which, if I had eyes and hands, I would, in the spirit of friendship attempt. But my hands, eyes and life are but for a moment.

When Congress had finished their business, as they thought, in the autumn of 1774, I had, with Mr. Henry, before we took leave of each other, some familiar conversation, in which I expressed a full conviction that all our resolves, declarations of rights, enumeration of wrongs, petitions and remonstrances and addresses, associations and non-importation agreements, though they might be expected by the people of America, and necessary to cement their union, would be but waste paper in England. He thought they might be of some use among the people of England, but would be totally lost upon the government. I had just received a hasty letter, written to me by Major Joseph Hawley, of Northampton, containing "a few broken hints," as he called them, of what was proper to be done, and concluding with these words—"After all, we must fight."

This letter I read to Mr. Henry, who listened to it with great attention, and as soon as I pronounced the words—"after all, we must fight"—he erected his head, and, with an energy and vehemence that I can never forget, broke out with—"*By G— I am of that man's mind!*" I put the letter into his hand, and when he had read it he returned it to me, with an equally solemn asseveration that he agreed entirely in opinion with the writer. I considered this to be a sacred oath upon a very great occasion. I could have sworn it as religiously as he did. It was no contradiction to what you say in some part of your book,—that he never took the name of God in vain.

As I know the sentiments with which Mr. Henry left Congress in November, 1774, and knew the chapter and verse from which he had borrowed the sublime phrase "we must fight," I was not at all surprised at your history in the 122d page, in the note and some of the preceding and following pages. Mr. Henry only pursued in March, 1775, the views and vows of November, 1774.

The other delegates from Virginia returned to their state in full confidence that all our grievances would be redressed. The last words which R. H. Lee said to me, when we parted, were—"We shall, infallibly, carry all our points. You will be completely relieved. All the offensive acts will be repealed. The army and fleet will be recalled, and Britain will give up her foolish project."

Washington, only, was in doubt. He never spoke in public. In private, he advocated a non-exportation as well as a non-importation agreement. With both, he thought, we should prevail: without either, he thought it doubtful. Henry was clear in one opinion; Lee in an opposite opinion; and Washington doubted between them.

Oratory will always command admiration. But it deserves no great veneration. It consists in grace of attitude and motion, intonations of the voice and expressions of the countenance. Could Demosthenes comprehend these three things in his "action?"

To speak of American orators, ancient or modern would lead me too far, and, indeed, out of my depth. I must conclude, with fresh assurances of the high esteem of

Your humble servant,

JOHN ADAMS.

JOHN ADAMS TO WILLIAM WIRT.

QUINCY, March 7, 1818.

DEAR SIR:

Be pleased to accept my cordial thanks for the present of an elegant copy of your Sketches of Mr. Henry. I know not whether I shall ever have time to make you any other return than thanks. But, as I see you wish to investigate the sources of the American Revolution, if you will give me leave I will give you such hints as my memory affords, to assist you.

In 1764 was published in Boston, a pretty little pamphlet—"The Sentiments of a British American,"—the motto of which ought to have warned Great Britain to desist from her tyrannical system of taxation.

Asellum in prato timidus* pascebat senex.
Is hostium clamore subito territus,
Suadebat asino fugere, ne possent† capi.
At ille lentus: quæso num binas mihi
Clitellas impositurum victorem putas?
Senex negavit. Ergo, quid refert mea
Cui serviam? Clitellas dum portem meas!

PHÆDRUS.

Considering "An Act for granting certain Duties in the British Colonies and Plantations in America," of the 4 Geo. 3, he says: "The first objection is that a tax is laid on several commodities to be raised and levied in the plantations, and to be remitted home to England. This is esteemed as a grievance, inasmuch as they are laid without the consent of the representatives of the colonists. It is esteemed as an essential British right, that no person shall be subject to any tax but what, in person or by his representative, he has a voice in laying."

I am indebted to you, sir, fort he re-perusal of this pretty little thing. I had never seen it for fifty-four years, and should never have seen it again; but your book has excited me, having no copy of it, to borrow it, as a great favor, for a short time. It was written by Oxenbridge Thatcher, a barrister at law, in Boston.

There is so much resemblance between this pamphlet and Mr. Jay's address to the people of England, written ten years afterwards, that, as Johnson said of his Rasselas and Voltaire's Candide, one might be suspected to have given birth to the other.—Majora canamus.

In 1764, was published in Boston, "The Rights of the British Colonies asserted and proved," by James Otis, Esq. This work was read in the House of Representatives of Massachusetts, in manuscript, in 1764, and, though not ordered by them to be published, it was printed with their knowledge.

In it, these propositions are asserted as fundamental.

"1. That the supreme and subordinate powers of legislation should be free and sacred in the hands where the community have once rightfully placed them.

* Some of the editions have "quidem" instead of "timidus."
† "Posset" in some editions.

"2. The supreme national legislature cannot be altered justly 'till the commonwealth is dissolved; nor a subordinate legislature taken away without forfeiture or other good cause. Nor can the subjects in the subordinate government be reduced to a state of slavery and subject to the despotic rule of others.

"3. No legislature, supreme or subordinate, has a right to make itself arbitrary.

"4. The supreme legislative cannot justly assume a power of ruling by extempore arbitrary decrees, but is bound to dispense justice by known settled rules, and by duly authorized independent judges.

"*5. The supreme power cannot take from any man any part of his property, without his consent in person or by his representatives.*

"6. The legislature cannot transfer the power of making laws to any other hands.

"These are the bounds which by God and nature are fixed; hitherto have they a right to come, and no further:

"1. To govern by stated laws.

"2. Those laws should have no end, ultimately, but the good of the people.

"3. *That taxes are not to be laid on the people but by their consent or by deputation.*

"4. Their whole power is not transferable.

"These are the first principles of law and justice and the great barriers of a free State, and of the British Constitution in particular. I ask, I want no more."

This work, which in 1764 was as familiar to me as my alphabet, I had not seen for fifty-four years, and should never have seen it again if your Sketches, for which I again thank you, had not aroused me. With some pains, and as a great favor, I have obtained the loan of it for a short time. In page 73, is an elaborate and learned demonstration that all acts of Parliament laying taxes on the Colonies, without their consent, are void.

In an appendix to this work is a copy of instructions given by the City of Boston, at their annual meeting in May 1764, to their representatives, Royal Tyler, James Otis, Thomas Cushing, and Oxenbridge Thatcher, Esqrs. These instructions were drawn by Samuel Adams, who was one of the Committee appointed by the town for that purpose.

These instructions are a sample of that simplicity, purity and harmony of style which distinguished all the productions of Mr. Adams' pen. I wish I could transcribe the whole;—but the paragraph most directly to the present purpose is the following:

"But what still heightens our apprehensions is, that these unexpected proceedings may be preparatory to new taxations upon us. For, if our trade may be taxed, why not our lands? Why not the produce of our lands, and every thing we possess and make use of? This, we apprehend, annihilates our charter right to govern and tax ourselves. It strikes at our British privileges, which, as we have never forfeited them, we hold in common with our fellow subjects who are natives of Britain. If taxes are laid upon us in every shape, without our having a legal representation where they are laid, are we not reduced from the character of free subjects to the miserable state of tributary slaves?"

This whole work was published more than a year before Mr. Henry's resolutions were moved.

Excuse the trouble I give you, and believe me to be, sir,

Your obliged friend,

and humble servant,

JOHN ADAMS.

WILLIAM WIRT, Attorney General
of the United States, Washington.

Whilst Mr. Adams thus earnestly controverts some of the grounds taken in favor of Patrick Henry by the author of the Sketches, he gives flattering and weighty testimony to the merits of the work. That his opinion so favorably expressed in this correspondence has not been dictated by a sentiment merely of courtesy to the author, we have manifold evidence in the letters written to others, and appended to the essays of Novanglus and Massachusettensis. In one of these, to Mr. Tudor, he says, "Your judgment of Mr. Wirt's biography of my friend Mr. Henry, is in exact unison with my own. I have read it with more delight than Scott's Romances in verse and prose, or Miss Porter's Scottish Chiefs and other novels." Yet it is amusing to see, amidst the many proofs which these letters supply of kind feeling towards the author of the Sketches, how suddenly the flash of an ancient memory kindles the ardor of the veteran

patriot in the defence of his compeers; and with what jealousy he maintains their claims. "Is it not an affront,"—he says in another letter,—"to common sense, an insult to truth, virtue and patriotism, to represent Patrick Henry,—though he was my friend as much as Otis,—as the father of the American Revolution, and the founder of American independence. The gentleman who has done this, sincerely believed what he wrote, I doubt not; but he ought to be made sensible that he is of yesterday, and knows nothing of the real origin of the American Revolution." The spirit, energy, and industry which these letters manifest, and especially the frequent coruscations which break forth from the depth of the writer's heart, when his theme seems to have fired some train of ancient sympathies, show us very pleasantly that the frost of eighty-two winters had not subdued, nor even chilled, the enthusiasm which took its first heat from the furnace of the Revolution. They show us, too, the characteristic temperament of his race and lineage, somewhat famous in the annals of that *Puritan chivalry*, which, for doughty exploit and headstrong perseverance, puts all other chivalry into the shade.

CHAPTER III.

1818.

APPOINTMENT TO THE POST OF ATTORNEY GENERAL OF THE U. S.—MOTIVES FOR ACCEPTING IT.—REMOVAL OF HIS RESIDENCE TO WASHINGTON.—POLITICAL AND PERSONAL ASSOCIATIONS OF THE CABINET.—MR. MONROE'S ADMINISTRATION.—REPOSE OF PARTY SPIRIT.—DUTIES OF THE ATTORNEY GENERAL.—REFORMS IN THE OFFICE.—LETTER TO THE CHAIRMAN OF THE JUDICIARY COMMITTEE.

Mr. Wirt's appointment to the post of Attorney General of the United States was made in the recess of Congress, on the 13th of November 1817. The nomination was sent to the Senate and confirmed on the 15th of the following December. Early in January, after this event, he repaired to Washington to enter upon the duties of his office.

His reluctance to embark in public life, which we have seen so frequently expressed in his letters, was an unaffected and matured sentiment. He coveted no political honors. His thoughts were turned towards a life which was to derive its pleasures from the domestic circle, and its fame from private pursuits. His ambition was to earn affluence and leisure from the diligent practice of his profession; and renown from the dedication of these to literary employments. He had consequently repelled every attempt heretofore, to bring him upon the political stage. In 1813, when a rumor prevailed that Mr. Giles, who was then one of the senators of Virginia in Congress, had it in contemplation to resign his seat, a general wish was expressed that Wirt would accept the appointment to the expected vacancy. The expression of this wish was equally rife when Mr. Giles did resign, in 1815. On both occasions, Mr. Wirt discountenanced all expectations on this point, by the refusal to allow his name to be presented to the Legislature for the vacancy.*

* It appears that, in January, 1815, when the Virginia Legislature found itself obliged to elect a senator to fill the vacancy occasioned by the death of Richard

The acceptance by Mr. Rush of the mission to England, unexpectedly opened to Mr. Wirt the appointment to the attorney-generalship. He was summoned to this post under circumstances that almost forbade a denial. The President, Mr. Monroe, had many claims upon him. He had been his early friend and patron, at a period when he stood in need of such a relation; he had the highest confidence in Wirt's ability, and a most cordial esteem for his private worth and personal qualities. There was something more, therefore, in this summons to a post in the cabinet than the ordinary and appropriate discharge of an official function. It implied, also, an appeal to a friend for the indulgence of a personal gratification, by which the toils of public administration were to be lightened of some portion of their irksomeness, and cheered by the communion of an intimate and cherished companion.

Wirt did not hesitate to accept. The post he was about to fill had as much of a professional as of a political character. The acceptance of it so far coincided with his plan of life, that it facilitated his purpose of practising in the Supreme Court of the United States, and thus gave him a more commanding access to that theatre which he had already chosen as the most desirable field for the employment of his talents.

The Attorney General, until within a few years previous to this date, had not been so closely associated with the Cabinet as he has been since. He had not, even, been required to reside at the seat of government; and was regarded more distinctly as a mere adviser on legal questions arising in the course of administration, than as a cabinet councillor charged with the duties of consultation in matters of general concern. He was, therefore, left at liberty to pursue his practice wherever he found it most convenient, limited only in his choice, in this particular, by the exigency of his duties to the government. Mr. Pinkney, in fact, resided altogether in Baltimore during the short period of his

Brent, Mr. Wirt's friends put him in nomination, in competition with that of Governor Barbour, and that the vote which resulted in the choice of Governor Barbour was a very close one. I presume that this nomination was made without Mr. Wirt's consent, and, most probably, without his knowledge: that, if he had been elected, he would have declined the appointment. I infer this not only from the general tenor of his letters, but from his known refusal to be a candidate upon the resignation of Mr. Giles, which took place in the same year as the above-mentioned proceeding.

incumbency, and maintained his post almost without interruption to his private engagements at the bar.

In the first year of Mr. Madison's second term, this question of residence attracted the attention of government. Upon the suggestion of the President himself, it is said, Congress passed an act which required the Attorney General, from that time, to reside in Washington.* This led to his complete identification with the Cabinet, gave him a more distinct political character, and rendered him, in equal degree with his colleagues, responsible for the counsels of the administration. He was still, however, left in the full enjoyment of every privilege belonging to his professional position not incompatible with the restrictions as to residence. His relation to the Supreme Court, as the law officer of the government, could not be otherwise than a most effective auxiliary to his professional advancement, which, indeed, would be scarcely less promoted by the influence attached to his political connection with the administration. In every point of view, therefore, the preferment to this post obviously presented to Mr. Wirt a most desirable opportunity for the gratification of his ambition in that career to which he had devoted his studies and his hopes.

The Cabinet, at the period when he became associated with it, was composed of gentlemen eminent for their position at the head of what was then called the Democratic party. Mr. John Quincy Adams held the post of Secretary of State, Mr. Crawford was at the head of the Treasury, Mr. Calhoun, of the War Department, Mr. Crowninshield, of the Navy, which post he resigned in a few months after this date, and was succeeded in it by Mr. Smith Thompson of New York. The Post Office was in the hands of Mr. Meigs until the last year of Mr. Monroe's second term, when it was consigned to Mr. John McLean of Ohio, now a Judge of the Supreme Court.

With these gentlemen, the Attorney General maintained an official and private association, throughout the two presidential terms of Mr. Monroe's service; an association which was distin-

* The passage of this act, there is reason to believe, caused the resignation of Mr. Pinkney, in 1814. Enjoying a large and profitable practice in Baltimore, as well as in the Supreme Court at Washington, and a professional reputation to which no official position could give additional renown, he prudently declined a sacrifice of these substantial advantages for the less comfortable honor of public station.

guished, not less by the personal gratifications which flowed from the communion of highly cultivated minds, congenial in their pursuits and influenced by mutual sentiments of the kindest regard, than by their harmonious political action, of which the effects were seen in the increasing prosperity of the country and the universal confidence of the people. The administration of Mr. Monroe has been noted for the happy auspices under which it was begun and conducted to its close. The political strife which had embittered the temper of the two great parties of the Union, through a career of incessant and exasperated contests for sixteen years, had now subsided. Each party had, by common consent, sought a breathing space, "for frighted peace to pant," and, in a calm survey of the field of contention, had found,—what angry disputants will generally find, when they grow cool enough to investigate,—that toleration and mutual forbearance in opinion better speeds a good cause, than blows or scolding words. In this abandonment of strife, so happily characteristic of the era of which we speak, the nation came to a sober and just estimate of its duty, and yielded a cordial support to the administration. All men exulted in this peace; and those at the head of affairs enjoyed the rare good fortune of witnessing an honest and patriotic appreciation by the people, of their own honest and patriotic endeavors to advance the public welfare. Party spirit had in great degree disappeared; faction was disarmed; no venal press was subsidized to conceal truth or stamp a fair seeming upon falsehood. Demagogues, the curse of free government, found no mart wherein to ply their seditious trade. So profound was this peace, so beneficent the spirit of the time, that, in 1821, Mr. Monroe was elected to a second term without an opponent in the field.

Such were the fortunate conditions which attended the entrance of the Attorney General upon the theatre of public life.

Mr. Wirt's varied attainments, professional skill and enlarged experience were now to be brought to the observation of the whole country. They were to be submitted to that ordeal of public judgment, which seldom errs on the side of leniency towards its object, and not less rarely stamps its approbation upon a spurious fame. If an exception to this reluctance of commendation be sometimes found in the history of men, who

have come to renown by those qualities and accidents which captivate the popular fancy in the blaze of a sudden glory, or by their relation to some exciting topic of admiration or prevailing taste, it is, we may say, never found in the history of those who have built a solid reputation upon the labor of intellect, and earned a title to be remembered in the silent and lonely vigils of persevering study.

The office of the Attorney General has nothing to commend it to the fancy of an indolent man. The organization of the government does not present a post which requires from him who faithfully discharges its duties, more systematic diligence, more daily and nightly toil, self-possession, equanimity, or more uninterrupted health. The summary of these duties is expressed in the law which established the office, "to prosecute and conduct all suits in the Supreme Court, in which the United States are concerned, and to give advice and opinions upon questions of law when required by the President, or when requested by the heads of any of the departments, touching matters that may concern their departments."

In the discourse pronounced by Mr. Southard, on the occasion of the death of Mr. Wirt,* he spoke of the duties of the Attorney General in the following terms: "There is a peculiarity in the responsibility of this officer, which requires the exercise of more than common care in his selection. He does not deal with the ordinary routine of business which inferior intelligence and system can manage; but when doubts and difficulties intervene upon the powers conferred by law, or the rights intended to be secured, the appeal is made to him. His labors are always connected with perplexing subjects; and his opinions, as well as his arguments in court, relate to every variety of questions which can arise under our institutions, or from our connection with the commerce and governments of the world. His opinions, too, are official; not merely persuasive upon the judgment of other officers, but, so far as the construction of the law is concerned, regarded as binding; and, if error be committed, the responsibility is, in a great

* A discourse on the Professional Character and Virtues of the late William Wirt, delivered in the Hall of the House of Representatives, March 18, 1834, by Samuel L. Southard.

degree, taken from them and cast upon him,—a responsibility by no means light to a sensitive and well-organized mind."

This is the remark of one who, himself a member of the cabinet and a colleague of Mr. Wirt during the administration of Mr. Adams, had ample opportunity to witness the labors of his friend, and to become practically acquainted with the delicate and responsible duties of the office.

We may form some estimate of the nature and extent of these labors, from the record of them which is preserved by the government, and which was published by the order of the House of Representatives of the Twenth-sixth Congress, as one of the documents of its second session.* This printed record of opinions of the Attorneys General, engrosses a volume of nearly fifteen hundred pages, of which more than five hundred are appropriated to those of Mr. Wirt. "They all," says Mr. Southard, speaking of these opinions of Mr. Wirt, "relate to matters of importance in the construction of the laws; many of them to the most difficult and interesting subjects of municipal and constitutional law, as well as the law of nations, which occurred during three presidential terms. They will prevent much uncertainty in that office hereafter, afford one of the best collections of materials for writing the legal and constitutional history of our country, and remain a proud monument of his industry, learning and talents."

I have already said that Wirt introduced some improvements into the mode of conducting the business of this office. We owe to him this record of the opinions of the Attorney General, which is now duly preserved, and by which a very obvious uniformity and consistency of decision in the construction of laws, are maintained.

Within a short time after Wirt's induction into this office, he addressed a letter to the Chairman of the Judiciary Committee of the House of Representatives, calling the attention of that Committee to the very defective organization of this branch of the government machinery. This letter explains the nature of the defects complained of so fully, and so cogently enforces the duty of further legal provision to render the office efficient, that I

* Document of the House of Representatives, No. 123.

regard it, even at the present day, as worthy of the consideration of the country, and therefore present it to my readers entire. I am not aware that it has ever obtained a greater publicity than it found amongst the members of the Judiciary Committee of 1818, by whom it was consigned to the pigeon-holes of the Clerk's office and to the eternal sleep of the files of that session.

TO THE HON. HUGH NELSON,

CHAIRMAN OF THE JUDICIARY COMMITTEE, HOUSE OF REPRESENTATIVES.

ATTORNEY GENERAL'S OFFICE, March 27, 1818.

SIR:

I beg leave to call your attention to the state of this office, and to some material defects which, I think, exist in the laws in relation to it; with the view that the subject, if you shall think it of sufficient importance to merit this course, may be presented, through your committee, to the consideration of Congress, before they rise.

The commission of the Attorney General "authorizes and empowers him to execute and fulfil *the duties of that office, according to law.*" The only law which points out those duties, is the act of Congress of the 24th of September, 1789, entitled an act to establish the judicial courts of the United States, the thirty-fifth section of which act creates the office, and designates its duties in the following words: "And there shall be appointed a meet person, learned in the law, to act as Attorney General for the United States; who shall be sworn or affirmed to the faithful execution of his office, *whose duty it shall be*, to prosecute and conduct all suits in the Supreme Court, in which the United States shall be concerned, and *to give his advice and opinion upon questions of law, when requested by the President of the United States, or when requested by the heads of any of the departments, touching any matter that may concern their departments.*"

It is to be observed that there is no duty which the President or any head of department performs, which does not involve some principle of law, under the head, either, of the natural or conventional law of nations, constitutional law, or municipal law; consequently there is no duty which belongs to either of those

officers, on which he has not the right to require the opinion of the Attorney General, and on which it is not continually required; and in relation, at least, to questions on municipal law, which are incessantly occurring, it is understood that the heads of departments consider the advice of the law officers conclusive.

In the operations of an office whose sphere of action is so wide, and whose decisions are of such extensive and unremitting practical effect, it would seem to be of consequence to the nation that some degree of consistency and uniformity should prevail: but, it is obvious, that these can be attained in no other way than by putting the incumbent, for the time being, in full possession of all the official opinions and acts of his predecessors.

Under this impression, when I had the honor of receiving the appointment, my first inquiry was for the books containing the acts of advice and opinions of my predecessors: I was told there were none such. I asked for the letter-books, containing their official correspondence: the answer was, that there were no such books. I asked for the documents belonging to the office; presuming that, at least, the statements of cases which had been submitted for the opinion of the law-officer had been filed, and that I should find, endorsed on them, some note of their advice in each case; but my inquiries resulted in the discovery that there was not to be found, in connection with this office, any trace of a pen indicating, in the slightest manner, any one act of advice or opinion which had been given by any one of my predecessors, from the first foundation of the federal government to the moment of my inquiry. Thus, the gentlemen who have held this office, in succession, have been in constant danger of being involved themselves, and involving the departments which depended on their counsel, in perpetual collisions and inconsistencies; exposing the government to that kind of degradation which never fails to attend an unsteady and contradictory course.

In noticing the omission to keep these records, and preserve the statements and documents, I am very far from intending any censure on my predecessors: for no law had enjoined it on them as a duty; and from the multitude and variety of questions which are unavoidably pressing upon this office, throughout the year, it is very apparent that the plan which I suggest could not have

been executed, without an expense, in clerk-hire, office-fuel, stationery, &c., for which there is no provision by law.

After this explanation, I submit it to you, sir, with great deference, whether it would not be expedient that some provision be made, by law, for keeping a record of the opinions and official correspondence of the Attorney General, in his office; and for preserving in his office the documents submitted for his advice.

Again: the subjects on which the Attorney General is occasionally consulted, and those on which he has to act in the Supreme Court, turn, not unfrequently, on the local laws of the several States. But these have not been furnished to his office; and the omission is a serious practical evil. Would it not be well that the office of the Attorney General should be supplied with these laws?

Another defect seems to me to exist in the law as it now stands. You will observe that the only law which prescribes the duty of the Attorney General, and which I have already quoted, limits the obligation upon him, and consequently, limits *his right* "*to give official advice and opinions*, to cases in which he shall be called upon, *by the President, or by any of the departments*, touching any matters which may concern their departments."

But, I am told, (and, in my short experience, I have already found it true, in part,) that the advice and opinion of the Attorney General, *in his official character*, are called for by committees of Congress, standing and special, by all the District Attornies, Collectors of Customs, Collectors of the Public Taxes, and Marshals throughout the United States, by Courts martial, (military and naval,) wheresoever they may sit, &c., &c.

If it be advisable to open the office of the Attorney General to applications of this kind, I submit it to you, sir, whether it would not be expedient to have it provided for by law. 1. That the several officers and public bodies which have been mentioned, (instead of resting on the personal courtesy of the Attorney General,) may be authorized to call for his opinion, *as a matter of right.*

And 2d, (which strikes me as being of equal, if not superior consequence,) that the Attorney General himself may be justified in giving an *official opinion* in these cases.

For, in a government of laws, like ours, it seems to me of importance that the influence of every officer should be confined within the strict limits prescribed for it by law.

It cannot be questioned, from the connection of the Attorney General with the executive branch of the government, that his advice and opinions, *given as Attorney General*, will have an *official influence*, beyond, and independent of, whatever intrinsic merit they may possess: and whether it be sound policy to permit this officer or any other under the government, even on the application of others, to extend the influence of his office beyond the pale of the law, and to cause it to be felt, where the laws have not contemplated that it should be felt, is the point which I beg leave to submit to your consideration.

There is, however, a strong objection to any new provision which should go to open the office of the Attorney General, as *now organized*, to applications beyond the provisions of the act of 1789. It is this: I am convinced that no single unassisted individual, whatever may be his strength, his habits of industry, or the system and celerity of his movements, could discharge, in a manner satisfactory either to himself or the nation, the vast load of duties which would be thus thrown upon him, without devoting himself to them, *solely and exclusively*. The very frequent calls which are regularly and properly made on the office, under the act of 1789, and the careful and elaborate examination which it is often necessary to bestow upon these subjects, are found to be sufficient, in connection with the Attorney General's duties in the Supreme Court, to give the office, at present, almost constant occupation: and if, in addition to those duties, he shall be placed under a legal obligation to answer all the other calls which have been mentioned, he must, unavoidably, abandon entirely the individual pursuits of his profession, and rest, for the support of his family, on the salary attached to the office. Even under the duties, as they now exist, *very little time* is left to the Attorney General to aid the salary of his office by individual engagements; a fact which may explain, in part, the frequent resignations of this office which have heretofore occurred.

I would not have troubled you with these suggestions, at this time, but that the subject strikes me as being of so much practical importance *to the nation*, as to merit consideration: and that it

relates to an office whose defective organization, however grievous to the incumbent, or *injurious to the public*, would not be apt to force itself on the notice of others.*

I have the honor to be, sir,
With very great respect,
Your obedient servant,
WM. WIRT.

* Although Congress did not act immediately upon the suggestions of this letter, they, doubtless, had their influence, in the subsequent proceedings of that body, in increasing the salary of the Attorney General, and in providing him a proper library. Mr. Wirt's administration of the office had, also, its due weight in adjusting that more distinct understanding of the nature of his duties, in connection with other departments of the Government, which now exists.

CHAPTER IV.

1818.

LETTER TO POPE.—VIEWS IN ACCEPTING THE POST OF ATTORNEY GENERAL.—LETTER TO GILMER.—CORRESPONDENCE WITH MR. ADAMS.—AN AMENDED EDITION OF THE SKETCHES CONTEMPLATED.—LETTERS TO CARR.—THE ATTORNEY GENERAL ADMITTED TO THE BAR OF BALTIMORE.—THE RULE OF COURT.—MEETS PINKNEY.—RIVALRY BETWEEN THEM.—ADVICE TO GILMER.—A MISUNDERSTANDING AT THE BAR AND RECONCILIATION.—LETTER TO DELAPLAINE.—REMARKS ON BIOGRAPHICAL WRITING.

Having departed somewhat from the regular succession of dates in the correspondence, with a view to bring together what was appropriate to the publication of the Biography of Henry, and the appointment to the Attorney-Generalship—the two prominent events of this period—I now return to the more pleasant incidents of social life, from which we may learn with what feelings the subject of our narrative looked upon this advancement of his fortunes.

We have here a letter of personal interest, in which the writer pours into the bosom of an old and cherished friend the warmest sentiments of his own heart, with that rambling freedom of utterance which, better than all other testimonials, evinces the entire sincerity and truth of what he writes.

TO WILLIAM POPE.

Washington, January 18, 1818.

My Dear Friend:

I am indebted to you for two warm, amusing and, at the same time, affecting letters, which I have never found time 'till now to answer, for since I have been here I have had to work 'till midnight, every night, to keep the channel of my office from being blocked up by drift wood. It is now night, and after a close day's work, it is a relief to me to take up my pen and hold some chat with you.

I am indebted to my constant occupation for one thing, at least; it has not allowed me time to think of and mourn over my separation from those beloved friends in Virginia with whom Heaven has blessed me,—and I dare not suffer myself, even at this moment, to look long that way. "Ambition should be made of sterner stuff."

I have been long convinced that there is not enough iron in my composition for a public character; I mean, for a politician aiming at glory. Nor do I regret it; for I would not exchange the sensibility which has made me so happy in my friends, for all the honors upon earth. As to those high grounds to which your partiality points me, they have no charms for me. The summit of my ambition is to make a decent provision for my children, and to leave behind me a name, at the mention of which neither they nor my friends will ever have cause to blush. The last, I trust that Heaven will give me the firmness to effect; and even as to the first, I do not despair, if my life and health shall be prolonged to the usual term.

As to the office which I have received, it was not, trust me, either the supposed honor attached to it nor any ulterior promotion to which it might be supposed to lead, that induced my acceptance. No! as there is a God in Heaven, who knows the secrets of my heart, it was the single object of bettering the fortunes of my children, by pursuing my profession on more advantageous ground. Nor would I have accepted any other office under the government, even the highest; for any other would have been utterly incompatible with what I deem my first duty—which is to provide for my household. "He that provideth not for his household is," pronounced, you know, to be "worse than an infidel." Nor am I vain and foolish enough to aim at anything higher. I am already higher than I had any reason to expect, and I should be light-headed, indeed, because I have been placed on this knoll (where I feel safe) to aspire at the mountain's pinnacle, in order to be blown to atoms. Therefore, let this matter rest.

As to Patrick, I am glad he takes in Virginia. The man must be a bungler, indeed, who could have failed, *in that state*, with a subject so popular. But I have been looking out for a scourging from the north. Those gentlemen will not enjoy my encomiums

on Mr. Henry. I have received some personal compliments from some of them, on the workmanship of the book, but I can see plainly enough they regard it—as you tell Pleasants John Taylor, of Caroline, does—"as a splendid novel." It is not wonderful that Taylor speaks of it in this light; for he is the relation of a justly eminent man, who would certainly never have added one pebble to Mr. Henry's mausoleum, and from whom I have no doubt that Col. T. has received all his impressions of Mr. Henry. I take what you say of C—— to be a joke; he has, however, I must confess, some little reason to be nettled—not that injustice has been done him—but that a joke, at his expense, has been recorded. But he is not mentioned by name, and his best policy will be to laugh it off.

Has the book itself reached your neighborhood? Webster has been very niggardly in the proportion of the first edition which he has allowed to Virginia. He did not give me copies enough to distribute among the contributors to the materials of the work. I designed a splendid copy for your brother Nat's eldest son, William; but Webster disappointed me. It shall, however, yet be done, either from this edition or the second, which will be out in a few months:—but this you must not mention, for fear of spoiling the sale of the first. I know you are a great hand at keeping a secret.

How are you? how is Mrs. P.? how, Lucy Ann? how, Montpelier?—not forgeting that tall pine, which I shall never forget, nor even that big-headed little fellow that stole the keys of the moon. Everything around you is dear to my recollection—all your jokes, your excellent face, your eyes, your mouth, your laugh—all as fresh as if I were a young girl thinking of my first love.

As to great men, here, and the affairs of the nation, you know enough through the public prints; and, as to private opinions, I, you know, am officially, pen-and-tongue-tied. Will you assure your family of my sincere love? Will you tell Morris, next time you see him, how much I love him, in spite of his abominable federalism? Will you assure my excellent friend Wilson, that I never smoke a pipe (which is six times a day) without thinking affectionately of him and his dearly beloved neighbours, Bullock and Price?

I wish you would go and see Clarke oftener than you have done of late years. You make him very happy when you do so—and do not, I think, make yourself very miserable—for you love Heaven's handy-works well enough to enjoy *the sight*, even, of those angel-faces that move through his house. Don't you *mind* (as the Scotch-Irish say) those days we spent there, with Ned Scott, Doct. Wooldridge and Co.? They "*mind*" *me* "of departed joys, departed" (shall I say never? no, I could not bear it, but) seldom "to return." Are you coming on here?

"But are you sure the news is true; and are you sure he's weel?"

Oh! that you would come, and give me the sweet illusion that I am yet in Virginia. But you will talk of it, and you will persuade yourself that you *are* coming, 'till the moment comes, when a loose shoe on Morgan Rattler, or some disorder of a girth or stirrup-leather will spoil the whole kettle of fish.

"What great effects from little causes spring?" Just as I raised my eye from the paper, here, memory gave me back our visit and dinner at Bullock's Rock-castle. I see you now dashing into the boat, at Jefferson, by the side of O'Reilly—"Shoot Luke!" And I hear that black mimic at Jefferson,—and the original, "I'll be dab'd, if I don't." And

"Did you hear the sweet tones of her voice?
Why did she marry him? Why did she marry him?"

And then our re-crossing the river to poor good Mead's.

* * * * * *

You cannot conceive with what childish tenderness I recall these scenes. But the "pleasures of memory" will soon be all that are left me. I was going to add, "or you either," but I just remember that, like the soul, *you* "flourish in immortal youth." Happy, happy, thrice happy man! happy in all who know you on earth, and happy, I verily believe, in the approbation of all who know you above—with the exception of "that vile, nefarious County of Goochland." Here is another security that you will not expose the folly of this letter. You see I am already a managing politician.

What occurrence was that which took place at Major Price's door, on your return from the theatre? I would thank you to write it, because my recollection of particulars is becoming indistinct since I crossed the Potomac.

Excuse all this levity, my dear Pope, for I am really laughing to keep myself from crying, as cowards whistle in the dark. Whether I shall find the practice of the law profitable here I do not know, as yet. The salary, you know, is very low, only three thousand dollars. There is a talk of raising it. I wish it may not end in talk. As to the other business in the Supreme Court, I have as yet only eight or ten causes; but I have a prospect of more in the course of the approaching court, and the fees are good.

If I could flatter myself with the pleasure of seeing you now and then, I should be much better reconciled to my change of residence. You and Dabney will be here in February, when I shall be too busy to enjoy your company to the full pitch. But could not you make one trip every spring or summer? Then I shall be a freeman and I will have a room always at your command. Then too you will see this place in its best dress; I mean Washington and the surrounding scenery. A beautiful place it is, I promise you, in the spring or summer. I shall have leisure to ride with you to all the surrounding heights which overlook Georgetown, Washington, Alexandria, and the seats on the Potomac as low down as Mt. Vernon; and I will carry you to Bladensburg, the place of my nativity; shew you the house in which I was born; the Spa-bath in which I was very near being drowned at two years of age; the house at which I went to school, at three; the battle-ground during the late war, &c. And if you come next summer, you will probably see a seventy-four gun ship launched, which you will find on the stocks, next month, at our navy yard. "What a great nation we are," and how much greater we will be, if we hold on as we have begun! Shall we not be the greatest nation in the world—except six?

I have prattled to you full as long as my duties will permit. So, after begging you to give my love to every man, woman and child, you hear speak kindly of me, I bid you farewell, and pray God to bless you. Man and boy, from the year 1798, (when first I

saw you) which is twenty-six years this summer, I have been, with constant love, and ever shall be,

Your friend,
WM. WIRT.

Another letter of advice to Gilmer, who, after meditating a removal to Baltimore, had suddenly changed his purpose and gone to Richmond. A rule of the Baltimore bar which required three years residence in the State, imposed a condition with which Gilmer could not comply, and thus compelled him to relinquish a design, the fulfilment of which, we may suppose, should have been not less desirable to the community of Baltimore, than it would have been profitable to the individual who sought to establish himself there.

TO FRANCIS W. GILMER.

WASHINGTON, January 20, 1818.

MY DEAR FRANCIS:

I answered your letter from Winchester on *the morning after its receipt.* The rapidity with which you have executed your removal to Richmond, satisfies me that you were just in the temper of Pope's wife of Bath, when she consulted her friends. He says—

"She did as commonly is done,
Heard their advice, and took—her own."

That is to say, that your measure was resolved on, before you consulted me, by letter, at least. From your talk in Richmond, I had not expected so Bonapartean a dash; and, in truth, from the time you left us I was so incessantly, and, with such anxious mind, engaged in hastening my escape from the ice, that I could not think, with ordinary foresight, of any other object. Since my arrival here I can give you no idea of the bustle, the confounding variety of engagements, which shut out every subject not connected with the comfortable establishment of my wife and children, or the throwing off of the accumulated load of official duties. The answer I gave you was the earliest I could have given you;

and that you will have received before you get this—although I am answering it in ten minutes after its receipt.

You will see that I oppose your removal to Richmond; but there is so much of *Providence* in these things, and so much depends on the *unvanquishable energy of the orator*, that human prudence becomes a pismire view of the subject. The die (as you say) is cast—and may Heaven prosper it! The step having been taken, all that remains is to make the best use of it.

1st. Don't be in a hurry to distinguish yourself. And, on the other hand, don't hang back too long. Let the occasion of your first display be good, *and your preparation ripe.*

2d. On all occasions, private and public, throw the utmost modesty, and the most scrupulous delicacy, into your manner, and be more disposed to have your scientific knowledge drawn from you than to volunteer a display of it.

3d. *Read law like a horse.* Your friend Cabell will point out the best course to you. Pursue it indefatigably, and suffer no butterflies' wings, stones, &c., to draw you aside from it.

4th. In your arguments at the bar, let *argument strongly predominate.* Sacrifice your flowers, and let your columns be doric, rather than composite—the better medium is Ionic. Avoid, as you would the gates of death, the reputation of floridity. Small though your body, let the march of your mind be the stride of a seven-leagued giant.

Aim at the character of *strength*, *cogency*, *comprehension*, and imitate, of all things, Judge Marshall's and Locke's simple process of reasoning. The world will ever give its sanction to this as the truest criterion of superior mind.

And now, in my hurry, I have done. May God bless you, and prosper you.

Your friend and brother,

Wm. Wirt.

It will be seen, in the progress of our narrative, that Wirt was already thinking of an amended edition of "The Sketches." His correspondence with Mr. Adams, which had now just begun, had probably suggested the necessity of some corrections, or, at least, had invited him to further investigations upon the topics to

which that correspondence referred. This scheme of an amended edition, however, although regarded by the author, as I have authority for saying, as a matter of some interest, and as one which he designed to accomplish with some care, was finally abandoned as a hopeless enterprise, rendered impossible by the pressure of the business of his official position.

TO JUDGE CARR.

WASHINGTON, January 21, 1818.

MY DEAR FRIEND:

It is late at night—the fag-end of a hard day's work. My eyes, hand and mind all tired. It is not under these circumstances that you can expect a return to my epistolary obligations to you. A fair return I do not propose to make, but a confession rather of the obligations *aforesaid*, and a promise hereafter to settle the account.

We are here, sir, established in our own house, for the which I have this day paid twelve thousand dollars. I shall not describe the premises, because I have been led to hope that you will see them in the course of the next month. I will only now say on this subject, that we are what might be called quite comfortable.

The office I find is no *sinecure*. I have been up 'till midnight, at work, every night, and still have my hands full. Much of this is not properly my duty. * * * I shall find ways and means to put an end to it, *prudently*, and do only *my own duty*. In the mean time, apprehend nothing rash or presumptuous from me.

My single motive for accepting the office was the calculation of being able to pursue my profession on a more advantageous ground—i. e. more money for less work. Ulterior objects never were within my view, and never can be. Many of my friends talk of follies of this sort, but you will believe me sincere when I assure you there is not a speck of them within the horizon of *my hopes or wishes*. On the contrary, I have made my calculation to end my Attorneyship with Mr. Monroe's administration, and to look to Heaven for all the future. An honorable and easy old age is all I desire. How far beyond what I had any reason to count upon in my youth! But this field of recollection and feel-

ing is too wide. I shall not attempt to enter it at this time of night.

As to Patrick,—I was sincere in the apprehension I expressed to you; and I still incline to believe that a sound and deep critic would pronounce it an *ephemeron*. It certainly falls infinitely short of my own conception of biography: the falling short, however, is chiefly in those particulars which depend on the personal observation of the author, and which no description can supply. Stewart would as soon attempt to paint and be responsible for the fidelity of a portrait, *on description*, as I would to attempt such another work. If I can get clear this time, I swear off. The workmanship, however, is much extolled to me. Walsh, Correa, and several members of Congress have thanked me in person for their gratification, and I enclose you, as a treat, a curious letter which I have received from *our old friend* John Adams.

As to the book—you have received merely the extracts in the Enquirer, which leave out all the dead-man's-flesh, and give you only the phantasmagoria of the working muscles. That critique was written by my friend Judge P——, who has been more anxious to discover beauties than astute to perceive defects. I wish I could send you the book itself; but I have not a copy except an interleaved one to correct for the next edition. I wish this, because you would be then able to judge of the whole, and it is upon the whole I am anxious to have your opinion. I wish you, in forming it, to have an eye upon Sterne's "gutter of time," and tell me whether you think there is soul enough about it to live.

I have much, *much* to say to you about this place and those who are around me; but I am now worn out. We must defer all this 'till we meet, for I am extremely fatigued; and besides, "*litera scripta*" &c.

The Supreme Court is approaching. It will half kill you to hear that it will find me unprepared; but I shall contrive ways and means to keep my professional head, at least, above water. As to any great figure I cannot promise it, in the bustle in which I am now engaged.

As yet, I have not paid, or even returned one single visit: forty-three visits in debt this day. Duty, sir, *paramount* duty!

* * * * * * *

Our love to you all. Don't stand on ceremony with me, but scribble all the nonsense you can think of every night, and give me the diary through the mail, which is free to me. My love to Judge Holmes and Leigh.

Your friend,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, May 6, 1818.

MY DEAR FRIEND:

"I thank you, upon my conscience," as Pope says, for your three letters. They are the most somersetical, high-flyingest, and most charming that I have seen, felt, heard, and understood (which, I think, Sterne says is a quotation from Lilly [whom I believe I never saw—meaning Lilly.] God help the mark!—) (Here is an entanglement of parentheses which I believe it would puzzle General Charles Lee to wind up—and so I shall give it up in despair) for a long time—(meaning that I have never seen, &c., for a long time.) And I should have acknowledged them sooner, but for first one thing and then another, and lastly, ——

* * * * * * *

One cause of quarrel with you, which I have now on hand, was the miserably mean, short, scanty, penurious, niggardly visit you paid us in the winter. That is not the way for a man to go and see a friend whom he has not seen, but by snatches, during the present century; but, *Deo volente*, and also, wind and weather permitting, I will show you, in the month of August, what *is* the way—for I propose to take advantage of the recess of Laura's school, in that month, to dash her over the mountains, and see if I cannot ferment a little blood into her cheeks, and jolt a little flesh upon her bones. Yet, she is in good health and spirits, and, considering the exemplary gravity of both her parents, is as volatile as ether: as stuttering H—— used to say of his stuttering daughter, "I can't think who the d—d—d—d—devil the child takes after."

I enter my protest against you and the Judge, if you design such another dry visit to Washington as you made last winter: you were off before we could realize the fact of your being here.

I am, at this present, in a furious hurry, lest the mail should close on me. Judge of the pressure on me when I tell you that I had, this morning, to rise before five o'clock to business and shall have so to do, I expect, till the meeting of the Supreme Court. Be not offended, therefore, at my brevity—knowing, as you do, that whether my letters are long or short, I am ever

Your friend,

WM. WIRT.

At this date Mr. Wirt made his first acquaintance with the Baltimore bar. A robbery of the mail, with circumstances of great atrocity ending in the murder of the driver of the mail stage, had occurred, a short time before this, on the road leading from Baltimore to Philadelphia, within the limits of Maryland. The robbers were apprehended and committed for trial before the Circuit Court of the United States, which held its session in Baltimore. By the direction of the Government, the Attorney General repaired thither to take a part in the prosecution. The trials came on in May. The robbers were convicted and sentenced to death.

These trials gave occasion for an interpretation of that invidious and impolitic rule of the bar which had frustrated Gilmer's purpose of removing to Baltimore. A question arose,—how was Mr. Wirt to obtain the privilege of practising in the Courts of Maryland, in this condition of disqualification for want of residence? A native, himself, of the State, and now a resident of the District of Columbia, he would, nevertheless, have been excluded by this singular act of judicial legislation, but for the potency of his position in the government. The rule made no exception; but, it seems, the court and bar found a resource in construction, which enabled them to gratify what was well known to be the personal wish of every member of the profession in Baltimore, and the Attorney General was accordingly admitted to all the privileges of practice at this bar, upon the ground that his official duty entitled him to that privilege in the particular cases which he had in charge from the Government.* It would seem, from the following letter, that Mr. Wirt still hoped that the same dexterity which had found

* The reader will be reminded by this incident, of the good fortune of the Attorney General, at an earlier period of his life, by which he escaped the operation of the rule of the Virginia bar, which required one year's residence.

a plea for his admission, might yet be favorably exerted in behalf of his young friend Gilmer.

TO FRANCIS W. GILMER.

WASHINGTON, June 1, 1818.

MY DEAR FRANCIS:

As long as my friends know how much I love them, and how continually I am occupied, they ought not, I think, to stand on punctilios with me. We are sorry to hear that you have been and still are sick. I am afraid you are starving yourself. You ought to take a glass or two of wine every day, and eke the warm bath. Your fibres, unless I mistake, are too rigid, and your whole system too meagre. If you think so much, and live so much like an anchorite, your brain will dry up to a crackling. Adam, who had nothing to do in the garden of Eden, in the way of thought, except to prune his vines and sing morning and evening hymns, might live on grapes and cold water; but it will not do for a fellow of the present day, whose system, intellectual and corporeal, is wasting under severe and continual expenditure; especially a fellow whose corporation is so slight that he would evaporate in the open air as soon as a phial of ether. According to the best of my recollection, you eat enough, but there is no counterpoise of drink. You must contrive to make your juices richer and your fibres softer. *Quod nota.* You ought to spend a portion of the day, too, in levity and folly, with as little exertion of thought as possible. It is not only sweet, but useful, to trifle occasionally. The bow of Apollo will not bear perpetual stretching. A fellow who, both in conversation and in solitude, is perpetually on his high horse, may make a very good centaur, but he will not do long for a man.

I hear you have broken a lance with the Attorney General of the State. Did you unhorse him? They tell me there was no pomp, no ostentation, no bombast, no pedantry, about you; no verbiage for verbiage sake: but that your words were full of thought, your style pithy and elegant, and your manner manly and modest, yet energetic and cogent. This is what I like. Teach these young Virginians, by your example, the insignificance of their affected swelling and *rotundification* of frothy sentences, and of their

duplication and re-duplication, and infinite accumulation of chaotic and confounding Irish metaphors. I shall never enjoy any compliment that I may hear paid to you, unless it is accompanied by a compliment to the force, as well as accuracy of your thinking. I lost the best part of my life indulging the frolics of fancy,—and the consequence is, that it will take me all the rest of it to convince the world that I have common sense. I am extremely anxious that, in your voyage of life, you should commit no similar deviation, with its inevitable loss of time in regaining the track. Let the first and predominant impression you make upon the world be, that you have a mind of adequate strength for the highest achievements in your profession; and, for some years, use the curb rather than the spur, with your imagination. Ride the refractory and curvetting jade with a Mameluke bit, or she will infallibly fling you in the mud, as she did me.

I have been to Baltimore, and, maugre the aforesaid rule, was enrolled at the State bar, on the ground, that, as the United States had a right to appear as a suitor in court, the Attorney General had, of course, a right to be admitted. Here is a specimen of accuracy of thinking! They did not perceive that the reason went no farther than to permit me to appear for the United States. But it was their own reason, and I am obliged to them for this obtuseness. Whether I shall make any thing of it remains to be seen. There is a mighty harvest there, and their reapers are many; but their sickles are Lilliputian. There is but one Brobdingnag scythe in the field,—and that is Pinkney's.

I wish I may not always regret your having been so easily repulsed from Baltimore. Mr. Smith spoke to me about it again, and I think you might still be admitted.

I was advised to form a partnership with some young man there,—agreeing to be called in, as partner, only in great cases—but to have it understood that I was always open to consultation with him, even in minor ones. It was said that such a partnership would be of great advantage to any young man there, and of advantage, also, to me. I took time to think of it;—but I have never thought of it since without thinking of you. Are you fixed?

I do not feel myself at liberty to deposite the materials from which I drew the Life of Patrick Henry, with the Philosophical

Society. The communications were private and confidential. In several instances things are conjecturally stated, which I have not used; rumors are sometimes given to the disadvantage of Henry, which are elsewhere refuted;—opinions are expressed to his disadvantage by some, and overthrown by a large majority of voices. In these instances, my correspondents would certainly not like to have their communications given to the world. I invited the utmost freedom of correspondence, under a promise of confidence,—and I cannot violate it.

Pope's communications I would deposite; but, in a few years, they would be alleged to have been *my whole data*—all the rest of my book would be charged to be fiction:—I am constrained, therefore, to decline this invitation.

Mr. Meriwether has forwarded from Philadelphia a volume of the Philosophical Transactions, which is now sent on to you. Mrs. W. desires to be kindly remembered, as do the children, and I am, as ever,

Your affectionate friend,

WM. WIRT.

Mr. Adams, it seems, had now published the letters which he had written to Mr. Wirt, on the revolutionary question raised by the Biography of Henry. This publication, I presume, was made in the newspapers. In referring to this fact, in a letter to Carr of the 26th of June, Wirt makes an explanation which it is proper to notice here. Alluding to the Ex-President, he says,—"He has entirely mistaken the point of honor claimed for Henry. You perceive that he has directed his efforts to show that the *principles* of the Revolution were not started by Henry. This I never pretended. On the contrary, I have shown that the same principles had been advanced the preceding year, by the memorial &c. of the Virginia House of Burgesses. What is claimed for Henry is, that all that was said or done, before the passage of the Stamp Act, was by way of *prevention* merely, and that, in the Virginia House of Burgesses, at least, it was done by men who showed that they meant to go no farther at that time. Whereas, Henry's resolutions, instead of being a mere measure of prevention, was a measure of *resistance* to the act after it had passed, and was the *first* measure of resistance, too.

"This explanation I mean to give Mr. Adams, with the most perfect respect, and with my thanks for the publication of his letters. In the appendix to the next edition, I think I shall publish his letters as well as mine. The third edition, I presume, is out by this time."

No further edition of the Sketches ever appeared, as the reader has already been apprised.

The door of the courts of Maryland having been opened to him upon the occasion of the government trials, the Attorney General now became a frequent practitioner in the city of Baltimore and in the Court of Appeals at Annapolis. On this new theatre, it was his fortune often to hold encounter with his great rival and predecessor in office, Mr. Pinkney. During a very oppressive season in August of this year, we find him engaged in a tedious cause in the County Court at Baltimore, in which he made his first essay on this forum.

"You cannot conceive,"—he writes to Mrs. Wirt,—"how sick I am of this place, and how tired of this cause. When I shall get away, Heaven only knows. Purviance spoke the whole of yesterday, and goes on again to-morrow. Pinkney told me yesterday, he would refund his whole fee and advance an equal sum from his pocket, to have the reply on me in this case. I told him I would not give sixpence for any position in the cause whatever: for we were to be several years before the public, in the ordinary course of human events, and that it was not by the triumph in a single cause that we were to be judged: and that, moreover, he knew very well I had no pretensions to the peculiar qualities of speaking which had made him distinguished," &c., &c.

Two days afterwards,—August 12,—he writes: "This interminable desert! The waste of Sahara is not more boundless and hot, desolate and barren! Pinkney commenced his speech to-day and spoke throughout it. He goes on again to-morrow; then Luther Martin; then I.——Pinkney has given us his strength to-day. He is really a fine creature in his profession: has a fertile and noble mind.——I was never in so bad a humor to make a springing exertion; but I shall make it."

In a letter to Pope, dated October 13th, he says:

"I expect to go to Baltimore again early next month, and to have another grapple with Glendower Pinkney. 'The blood more stirs,' you know, 'to rouse the lion than to start the hare.' A debate with Pinkney is exercise and health. I should like to see you on his weather-bow. I verily believe you could laugh him out of court; but as for me, I am obliged to see him out in hard blows. With all his fame, I have encountered men who hit harder. I find much pleasure in meeting him. His reputation is so high that there is no disparagement in being foiled by him, and great glory in even dividing the palm. To foil him in fair fight, and in the face of the United States,—*on his own theatre, too*,—would be a crown so imperishable, that I feel a kind of youthful pleasure in preparing for the combat. This is just the true state of feeling with which I am about to enter on the practice with him."

These extracts give us some insight into the eager spirit of emulation with which Wirt came into that field which the genius of Pinkney had so strongly pre-occupied. We shall find it both amusing and instructive to note with what steady resolve and ardor of preparation that rivalry was maintained throughout the professional association of these two distinguished men, from that time forth. We have now another letter to Gilmer in the usual strain of advice. Here are some portions of it worth perusal:

TO FRANCIS W. GILMER.

"WASHINGTON, November 2, 1818.

"MY DEAR FRANCIS:

* * * * * *

"'*Ne festinas ad divitias*,' or *locupletari*,—I forget which,—was one of the sayings of one of the wise men of old, to which I do not subscribe, unless a man be in such a hurry as to forget his principles or the circumspection and safety of his measures. To a man who has his eye upon the race of glory, wealth is desirable in early life, because it puts his mind at ease and leaves him light and free for the course. I wish, therefore, that you had an independence. You might then shape your course *ad libitum*. I cannot think the trammels of poverty very favorable to one's

ascent up the rugged steep on which Fame has thought proper to build her temple,—or the poets have thought proper to build it for her. Very poor men have, indeed, rendered themselves famous; but their lives have been miserable, and their fame chiefly posthumous. Why should not a man be both rich and famous, if he can? I see no incompatibility in this. There may be danger that wealth may make a man indolent. This depends on the constitution of the character. The sting of genius may be as operative an impulse as the pinch of necessity. For myself, I am very sure that had I been at ease in point of fortune from the year 1803, I should have been a very different man in point of fame, from what I am ever likely to be as it is. Now, I have no hope, except to be able to pass my old age in independence and comparative obscurity; which, let me tell you, is rather a melancholy sort of consolation to my feelings. So, you have my mind on the subject of growing rich.

* * * * * * *

"It would do you no harm to study Lord Mansfield's mode of managing nice legal questions. Read Burrows and the last volumes of the Term Reports, as also Cowper and Douglass, with a philosophic eye to the arguments both of the bench and the bar. Direct your chief aim to acquire a reputation for deep and correct thinking, leaving eloquence to shift for itself, and seeking merely to convey your ideas in the most simple, perspicuous and apposite language. There is a happy specimen of this style of argument in Horne Tooke's defence of himself in the Modern State Trials. It is as simple and clear as water from the rock: the language exactly conveys the thought, without overlapping or falling short a hair's breadth. There is not a word in it that is not very common, and yet the purity and precision create a charm incalculably superior to the cloying luxuriance of Irish oratory. An argument delivered in this style, marked by learned research, vigorous discrimination, wide comprehension and by strong and correct judgment, will distinguish you at once as a *great man*,—a compliment never paid to the mere man of fancy. Be not in haste to raise the superstructure of your oratory. This was my fault. For want of better advice, *I began my building at the top*, and it will remain a castle in the air till the end of time. The advantage of the training I am

pressing on you,—for the fortieth time, I believe,—was strikingly illustrated in the instances of Marshall and Campbell.

"From what I have heard of Campbell, I believe that, for mere eloquence, his equal has never been seen in the United States. He and the Chief Justice went to Philadelphia to argue a cause which turned on the constitutionality of the carriage tax. It was somewhere about 1795 or 1796. They were opposed by Hamilton, Lewis and others. Campbell played off all his Apollonian airs; but they were lost. Marshall spoke, as he always does, to the judgment merely, and for the simple purpose of convincing. Marshall was justly pronounced one of the greatest men of the country: he was followed by crowds, looked upon, and courted with every evidence of admiration and respect for the great powers of his mind. Campbell was neglected and slighted, and came home in disgust. Marshall's maxim seems always to have been, 'aim exclusively at *strength*;' and from his eminent success, I say, if I had my life to go over again, I would practise on his maxim with the most rigorous severity, until the character of my mind was established. But I would woo the Graces in secret, all the while, and, at a proper time, come out with that due mixture of reason, imagination and feeling, of which the strongest eloquence consists,—giving always a preponderance to reason, so as never to lose, nor even jeopard*ize* (with Mr. Pinkney's leave,*) the more firm and durable character I had previously gained. You see, you are in no danger of losing the benefit of my lectures. I am sure they can do you no good, for I can say nothing on the subject which has not occurred to you before. But if it serve no other purpose, I hope it will satisfy you, at least, of the warm interest I take in your success."

It is proper to notice here, that, in a trial which took place in Baltimore in the early part of this year, a misunderstanding arose between Mr. Wirt and Mr. Pinkney, which produced some sharp passages between them, the consequences of which were, for a time, regarded with painful interest by their friends. A demand for an explanation was made by Mr. Wirt, and a short corres-

* Mr. Pinkney's aversion to this substitute for the more genuine word "jeopard" was well known, and frequently furnished a point of criticism to the bar.

pondence ensued which, happily, led the way to an adjustment in every respect honorable to both. The counsel of discreet friends, and the good sense of the principal parties themselves, averted a conflict which could not have occurred without bringing upon the actors in it a large amount of public reprobation. The resort to the duel is bad enough in hot-headed and thoughtless youth, in whom an unripe judgment or the foolish sway of passion is supposed to mitigate the enormity of the crime; but in mature and reflecting manhood, which should disdain the frivolity of peevish anger, and the vulgar affectation of refinement in false honor, and especially when this concurs with high rank and responsible station,—themselves implying a pledge to the world to give examples of conduct for study and imitation,—it cannot but be regarded as the tyranny of a most wicked custom which can force such men to this worst of all arbitraments. At the time to which this event refers, this tyranny of custom swayed the society of Maryland with a dominion too absolute for the resistance even of such men as those. Public opinion, we are happy to believe, has, since that day, visibly taken its ply in the opposite direction; and we may hope that the true moral of social duty is fast attaining that influence which shall confer dignity and applause upon the virtue that fears no shame so much as it fears the crime of breaking the law of God and man.

I conclude this chapter with a letter which expresses a sentiment in entire harmony with the general conduct of the writer, and characteristic of his aversion from all ostentatious exhibition of himself to the public. Its remarks upon the difficulty of writing biography in the true spirit of justice to the subject, will meet a ready assent from the reader.

TO JOSEPH DELAPLAINE, PHILADELPHIA.

WASHINGTON, November 5, 1818.

DEAR SIR:

I have just received your letter of the 2d instant, and am very sensible of the compliment you pay me in supposing my portrait worthy of a place on the walls of your National Gallery. But even if I could bring myself to believe that I had any claim to such a distinction, I could not accede to your proposal, in its pre-

sent form; for there would still be, in my view of the subject, a morbid vanity and ostentation in *paying* for a place among your portraits, at which both my judgment and feelings revolt. To *solicit* an honor, is and has ever been contrary to my notions of delicacy; but to *pay* for one, would be far more intolerable to me than total and never-ending obscurity. It would indicate a sickly and over-weening anxiety for the public gaze, which I never felt, and to the imputation of which I cannot consent to subject myself. I hope, therefore, you will excuse me for declining your proposal.

I thank you for your compliment to my Patrick Henry, and am glad to learn that we are to have the third half volume of the Repository in a few days. Will you give me leave to make one confidential suggestion on the subject of this work? I doubt extremely the propriety of publishing biographies of living characters: for, inasmuch as no man has ever been faultless throughout his life, such a biography must either inflict unauthorized pain, or offend against historical veracity by suppressing the truth. I was applied to, some time since, to furnish a biographical sketch of the present Chief Justice of the United States, for another work. I had not time for the work; but if I had had ever so much, I would not have undertaken it, because I once heard him utter a sentiment on this subject, which I am sure is that of every man who has just pretensions to modesty and delicacy—"I hope to God they will let me alone 'till I am dead." Your biographies are censured as being too flattering represensations. The characters, it is said, are such characters as never did and never will live—for, they are all angelic purity. And it will be exceedingly difficult to avoid this imputation as long as you deal in living subjects. You may shew the bright side of the character, truly: but you cannot shew the *sombre* strokes that shade it, without giving more pain than a kind spirit is disposed to inflict. And if you hold up a *perfect* model to your readers, you will lose that confidence in your representations, without which an historian cannot live. You see what has been said of my Sketches of Henry. Some of the reviewers treat it as a romance—and yet I have introduced into it every charge, both against his public and private character, I have ever heard. Still it is censured, as attributing to him a perfection of character which is utterly in-

compatible with human frailty—and whether this impression, although erroneous in point of fact, may not ultimately put an end to the circulation of the work, it is impossible to predict.

But are not your biographies in still greater danger? Are not your heroes still more faultless than mine? I make this suggestion through good will to your work, for I wish it to succeed. If it had no other merit than that of preserving correct likenesses of distinguished men, it would still be highly worthy of the public patronage; and if, in addition to this, it may, in times to come, be appealed to, as an authentic collection of biographical facts and characters, you will be justly entitled, I think, to a place among the first literary benefactors of our country.

I am, dear sir, &c.,

WM. WIRT.

CHAPTER V.

1819.

PRACTICE IN THE SUPREME COURT.—THE CASE OF McCULLOCH AND THE STATE OF MARYLAND.—THE DARTMOUTH COLLEGE CASE.—INCREASE OF REPUTATION.—LETTERS TO CARR, POPE AND MRS. SMITH.

DURING the first term of the Supreme Court, after Mr. Wirt's appointment to the post of Attorney General,—the term which commenced in February 1818,—he argued but few cases, and those of a character which were not calculated to attract public attention. The succeeding term of the Court was one of great interest to the country, from the importance of the causes which were brought before it; and of not less concern to the reputation of the Attorney General, for the part assigned to him in the argument of constitutional questions of the highest significance both in our political and juridical history.

This period may be considered as that of the entrance of Mr. Wirt upon the highest level of his professional march. We have seen him toiling upward, from plane to plane in this career, with a sturdy and buoyant step that never faltered or fell back; making good the ground he had gained, by diligent study and solid accumulation of strength;—animated by the good opinion of friends, and still more persuaded to his ever-present task, by a cheerful and sanguine ambition which threw a pleasant ray of hope over every labor. He had now arrived at that stage in his journey, when the next step was to plant his foot upon the summit whose dazzling beauties, in a remote perspective, had lured the eye of his youth, and whose sunny radiance now not less warmed the fancy of his vigorous manhood. In such a career of thoughtful and persevering effort,—where the student, exacting nothing from fortune, and seeking no conquest but that which is won by dint of intellect, occupies no ground that does not fairly become his own by the title of honorable industry,—it seldom falls out that the reality is less attractive than the expectation, or that the perform-

ance achieved does not answer to the promise which first stimulated endeavor. Unlike the gaudy shows of a false ambition, whose glitter is discerned to be but tinsel when the aspirant approaches his goal, the fame that is earned by the diligent and honest use of the god-like faculties of mind, sparkles with richer lustre as its object comes nearer to view, and sheds a divine content into the heart, which no dreamings, when afar off, can overcolor or exaggerate.

The term of 1819 is distinguished, in the annals of the Supreme Court, by the occurrence of two cases of more than ordinary weight, as connected with the political affairs of the nation: the decisions in these cases have become precedents in the establishment,—as far as the highest judicial tribunal *can* establish anything,—of some of the most momentous principles of our government. I allude to the case of McCulloch against the State of Maryland, and that of the Dartmouth College against Woodward.

In the first of these, the great question of the constitutionality of a Bank of the United States, was, for the first time, submitted to the decision of the Supreme Judiciary of the Union. In the second, a question of scarcely inferior moment,—the inviolability of charters and their protection by the power of the Federal Government,—was, in like manner, the subject of discussion and decision.

The Attorney General was retained in both: in the first, by the Government, in support of the Bank;—in the second, by the defendant against the College.

I do not intend even to give an outline of these trials. Nor, indeed, is it my purpose, in this narrative, to encumber its pages with the particulars which belong to Mr. Wirt's professional career, either in his official or private engagements. Such a labor would be found only to fatigue the reader who takes no interest in the proceedings of courts of law, whilst it would necessarily afford but little gratification to those whose habitual perusal of the volumes of our reporters have rendered them familiar with the cases argued by the Attorney General.

In what I may select, therefore, for casual notice, I shall be guided chiefly by the duty of exhibiting the subject of my memoirs in his connection with trials and decisions which have interest for the public at large, or which may serve to illustrate the more

striking features of his mind. In the performance of this duty, I shall not forget the propriety of making my reference as brief as the occasion may allow.

In the case of McCulloch against the State of Maryland, Wirt found himself surrounded by the most eminent and powerful talents of the nation. On the side of the plaintiff, in this cause, Webster and Pinkney were his associates. They were opposed by Martin, Jones and Hopkinson. An array of names more distinguished in the field of American jurisprudence, we may say, without disparagement to the reputation of the most celebrated men of the national bar, has never been presented in any case in the country. The tribunal itself was, at that day, the centre of all observation, for its august power, dignity and public trust,—"a holy sanctuary,"—a "more than Amphictyonic council,"—as Mr. Pinkney described it in his speech on the occasion. The chief question at issue in the cause, was one which had perplexed the gravest minds; had, even then, been interwoven into the party politics of the country; and, though decided by the most authoritative political organs, had not yet passed through the crucible of investigation in this high national court.

In such a cause as this, at such a time, we may suppose the new Attorney General would draw upon himself a close and curious observation. They who stood upon the same professional level with him, might be expected to criticise his efforts with the severity of rivals. His especial friends would regard him with, perhaps, an exaggerated favor. The public spectators would be variously influenced by their personal or political affinities or prejudices. A small number of judicious and impartial observers would decide upon his forensic character according to its merits. Amongst them all, there was not one who would be likely to pass a more rigid judgment upon the proceeding, than Wirt himself. With the simplicity and trustfulness of an ingenuous youth not yet emancipated from his college walls, the Attorney General entered that exciting arena, and, having done his duty there, spoke out, we doubt not, with equal freedom, his exultation at what he thought commendable in his performance, and his confession of whatever he conceived to be his defects,—a point upon which we have frequently seen that he exercised no unsparing censure. Keenly alive to applause, as every one acquainted with him knew

him to be, no man was ever moved by a more sincere and modest temper of self-criticism than he.

Mr. Pinkney's speech on this trial, has the reputation of being one of his best. Strong, certainly, it was; if the applause of the day, or the memory of the present is to be trusted for its report. Mr. Wheaton has been able to furnish, in his biography of Mr. Pinkney, a more full and characteristic transcript of this speech, than he thought it necessary to supply in his official report of the case, and thus has given it an advantage over those both of Mr. Webster and Mr. Wirt. It is distinguished for its perspicacity, its comprehensive and philosophic view of the subject, its clear and accurate logic, and for the convincing power with which it sustains its propositions.

Of the speeches of Mr. Webster, who opened the cause, and of Mr. Wirt, who followed Mr. Hopkinson, we have but mere sketches, intended only to present the points to which their arguments were directed, with such brief illustration as is usually to be found in a report for the use of the profession. We cannot, therefore, without injustice, compare these sketches with that more complete impression which Mr. Wheaton has preserved of the speech of their renowned colleague.

In the Dartmouth College case the Attorney General was associated with Mr. Holmes: their opponents were Messrs. Webster and Hopkinson, who appeared for the plaintiffs in error—the College.

Mr. Webster's argument in this case has the same advantage that Pinkney's had in the former,—that of being more fully reported. Like that, it overshadows the other speeches in the cause, and is memorable for its great power and full and learned discussion of the subject.

Of Wirt's argument in each of these cases, it is sufficient to say that it fully justified public expectation, and answered to the high estimate which had been made of his abilities. It is, perhaps, still more in praise of these arguments to add, that they satisfied himself. In a letter written by Mr. Webster from Boston, soon after these trials, to Mr. Wirt, in speaking of the College case, which had excited a special interest in New England,—and particularly of Wirt's argument,—he remarks: "It is the universal opinion in this quarter, amongst all who have inquired or

heard about the cause, that that argument was a full, able and most eloquent exposition of the rights of the defendant. I will add that, in my opinion, no future discussion of the questions involved in the cause, either at the bar or on the bench, will bring forth, on the part of the defendant, any important idea which was not argued, expanded and pressed in the argument alluded to."

These cases have now been enrolled amongst the highest judicial precedents of the country, as establishing, in the first, the constitutionality of a national bank, and its immunity from the taxing power of the States; and in the second, the point, that an act of incorporation by a State, in certain conditions, possesses the character of a contract, which it is the duty of the Federal Government to protect from infringement by State legislation.

We may note that the Attorney General was on "the winning side," in the first case, but not so fortunate in the second.

I now turn, once more, from these subjects of public interest, to others of more social aspect, and close my memoranda of this year with the letters which follow.

TO JUDGE CARR.

WASHINGTON, October 12, 1819.

MY DEAR FRIEND:

I am much obliged to you for your kind abuse of the 10th, and wish I could provoke you so to abuse me often.

* * * * * * *

No, my friend, in the light in which you regard the subject I ought not to complain. The portion of fame, small as it is, which I have acquired is more than I have deserved by my own conduct. It has been snatched by a few desultory capers, in sport, and not earned by any steady and systematic exertion; and, even in this light, I am provoked at myself, when I consider that what I have gained, and the way in which I have gained it, proves only how much more might have been gained by a proper use of my time. I have done nothing that deserves the name of exertion even in reference to fame. In short, I have been a lazy, worthless rascal and do not deserve the thousandth part of the good fortune I have had. Now, I think were I able to leave the bar and fly to literature, I have still youth and spirits enough to produce some work

that should have sufficient weight of worth to last to after times. But it is a poor business to be standing on the shore of life and sighing at the retrospect of abused and squandered time, or wasting the soul in unavailing wishes for a change of situation which mere wishes never did and never can bring about.

I am amused, however, when I see people looking at me, here, in the place of my origin, and almost hearing them think and say to their children, "See, now, what a man can do by *good conduct* and *an industrious application to business:* that man, who is, now, the first law officer of the United States, was a few years ago, a poor, obscure boy, without fortune, friends or patron; yet see to what a height he has raised himself—go thou and do likewise." Good conduct and an industrious application to business!! What a satire do I feel it! God only knows how and why I have been thus shoved and pushed along in life. I declare to you, in the sincerity of my soul, and not from any weak and foolish disposition to fish for compliments, that I consider the unmerited good fortune I have experienced in life, as one among the strongest arguments of an over-ruling Providence, and as being, in truth, a deep reproach on my indiscretion and indolence; for, as to good conduct, I have acted with the most careless and daring indifference to the opinion of the world; and, as to application to business, I can truly say that I never *studied* any one thing in my life. I have lived at random; reading from amusement or curiosity, or occasional necessity, and, therefore, never *mastering* any thing—and laboring at nothing, except to conceal my ignorance from the world. You know me well enough to know that this is the truth, and, therefore, can judge whether it is in my nature to derive much pleasure from my mite of literary reputation and the way in which I have gained it. Yet, only read the enclosed letters, and would you not be half inclined (if you did not know me,) to suppose me the Mæcenas of this Augustan age? It is with a heavy heart, I confess, that I take this view of the subject, and when I look at Monroe and Crawford, and see and hear them, I am made still more sad. They have earned their fame by hard knocks, and deserve to stand where they are. They are well-informed on all the subjects they have to manage. —— has, by mining, and diving, and working, and by indefatigable practice, overcome the original dulness, and sloth, and confusion, and inaccuracy of his

understanding, and acquired a mastery of the whole circle of political subjects and a promptitude and decision which give him, when engaged in business, the air of native and superior genius. Laurels so earned may be worn with pleasure; not those which are dropped on a man's head by chance, or placed there by partiality, or by the waywardness of destiny. Yet, as the celebrated Simon Smith said, "I will bear my sorrows like a fool." I have wished and said and do still wish and say, "Would to Heaven that we had been never parted!" We were young and happy and beginning hopefully. Had it been my good fortune to live with your magisterial whip over my head from that time to this, I should have been able to look up and look forward with more confidence. Now we have waxed old and the day has gone by. You speak of your procrastination and laziness. O! had I your industry. But Heaven's will be done! By-the-bye, my dear friend, when you return I shall insist on a sight of those same Shandyisms which Frank has mentioned to me, and you, I think, promised to shew me. Now, had we lived together, I should have put the rowels into the sides of your retiring diffidence and pushed your merit into open day; in return for which you would have held my forwardness in check until it was better supported by solid attainments. Welded together, what a fine fellow we should have made! This, you see, is a specimen of my modesty: but I will do myself the justice to declare that in such a welding I should have counted on your contributing to it all that was solid and valuable. I do think, however, that my stimulating friskiness of spirits and temper would have goaded you out of the shade in which your own modesty has kept you.

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God bless you. Your friend,

WM. WIRT.

TO WILLIAM POPE.

WASHINGTON, October 27, 1819.

MY DEAR POPE:

I am indebted to you for three or four *Popiana*, which I wish it was in my power to pay in like *coin*—but this would be impossible, even if I had time; and is doubly impossible, since I have

not. There is none like you, on this earth,—no, not one. Of you, it may be truly said, that you have lived all the days of your life,—and so it will be, 'till you shall be no more seen of men. And so it should be—for if the innocent are not entitled to be happy, who is? I call you innocent, notwithstanding your vicinity to "that vile, nefarious county of Goochland," and notwithstanding several other exposures to the danger of bad example; "I call you a *sauldier*—but you're an unfortunate sauldier." Do you remember the moonlight return from the theatre?—"Say no more, Trim." * * * * How these tales of the olden times come, as Ossian says, "like shadows o'er the soul"—or words to that effect!

I am glad that my letter proved so medicinal to my friends Bullock and Price. Would I had been among you, *in propria persona!* But "the days are *gone* that we have seen"—"John Anderson my Joe!" The truth is, there is nothing like life out of the Old Dominion; and back I will go, again, if I shall ever see the time when I can live without hard work: that is, if the scene is not so changed by death or removal, in the mean time, as to make the return more painful than pleasant. As to you, to die would be so entirely out of your character, that I expect no such bad conduct at your hands. Come and see us this winter. Dabney Carr will be here. The Senate Chamber and Hall of Representatives are finished in a style surpassing any thing that it hath ever before entered into the heart of man to conceive, and the sight of them is better worth a trip across the Atlantic than Harper's Ferry. Besides, we shall have a most flaming debate on Spanish affairs, in consequence of the rejection of our treaty by Spain; and John Randolph of Roanoke will be there with his Indian tomahawk and scalping knife;—to say nothing of the Supreme Court and the Maryland Lion. Among other attractions, we have, in the Hall of Representatives, a beautiful statue of History and a colossal statue of Liberty, (or of the genius of America, as it is sometimes called) which I am sure was modelled upon your idea of a Venus.

* * * You are mistaken;—it was not Archer who undertook to apprise you of my being at Clarke's:—it was that nefarious fellow Branch, who came back from Archy Robertson's, and, with a most solemn face, assured us that he had enclosed to O'Reilly a letter to you, giving this information, and

requesting O'Reilly to send it over as soon as it should arrive. I thought I could see a lie lurking in the corner of Branch's eye, all the while.

* * * * * *

How is our trusty and well-beloved Morris, and what does he think of the signs of the times? Does his federal *deuteroscopy* (a pretty tough word, for a tough idea) espy a speck of war in the horizon? Pray give my love to him, and assure him of my unalterable affection for him;—I would add respect—if the spiritless dog would place himself, where his talents demand that he should, "in the very focus of public observation." His friends ought to hang upon him and haunt him like a ghost, and suck his blood, like vampires, 'till he places, on a candlestick and on a hill, that candle which God never lighted to be put under a bushel. Tell Mrs. M—— this, and set her at him. I mistake her much if she would not enjoy that celebrity which would be the *inevitable* and *speedy* consequence of his following this advice, which I have pressed upon him more than once. He ought to practise in the federal Circuit Court at Richmond, as an avenue to the Supreme Court, in following up some appeal. He ought to be here in the national focus: and he deserves to be —— for not having put himself in a way to come here. But he is young enough to retrieve with ease the ground which his want of enterprise has hitherto lost. I am very much in earnest in this affair, and pray you to form a combination of his friends to press it on him. I almost envy you your jaunt with him; and I should envy him his jaunt with you, if I could envy so excellent a fellow any enjoyment. *Great upon the road*, say you?—He is great every where. But the rascal ought to be threshed, for not "filling more space," as Barbour says, "in the public eye." It is his own fault.

We have nothing like news among us, beyond what you have seen in the papers. The President is still at his farm in Loudon, and Mr. Calhoun has not yet returned from South Carolina. The young folks say the city is dull;—but to me it is merely tranquil. I have scribbled the first thing that came in my head—and, the mail hour being at hand, must close.

Give our love to dear Mrs. Pope and Lucy Ann. May Heaven bless you and them with its choicest blessings! Pray let me hear from you as often as you have leisure and inclination.

I go to Baltimore again, next month, to take the bull by the horns. Farewell.

Your friend,

WM. WIRT.

TO MRS. LUCY F. SMITH, OF WILLIAMSBURG.

WASHINGTON, November 3, 1819.

MY DEAR MADAM:*

I thank you very sincerely, for your letter of the 28th ult., which I received yesterday.

* * * * * *

We take it for granted, when you come to this same convention in Alexandria, you will give us all the time you can spare from your spiritual concerns. We are only six miles off, and I will promise to be on my best behavior,—that is to say, "as grave as any judge." Though, to speak the truth, I believe you would like, a good deal better, to see me in my didos and tantrums. Mr. Rice and all good Christians admit that gaiety of heart is not only compatible with christianity, but, as I think too, one of its badges. However, we can settle this point when we meet. * * * * Let us see: I think we were both twenty-seven. However, I will not say anything of this when you come to the seat of the national government, and,—as poor Botts directed the stenographers in relation to MacRae, (then just courting his wife,)—"set you down at twenty-seven" still, if you choose.

* This lady was an early and cherished friend of the Attorney General. She was the daughter of Doctor Read of Richmond, a gentleman who, towards the close of his life, lived in Norfolk. When Wirt first came to Richmond, she was the wife of Mr. Meriwether Jones, well known as the proprietor of "The Examiner," a paper which subsequently fell into the hands of Mr. Ritchie, and was the origin of "The Enquirer." Wirt was, for a time, an inmate in the family of Mr. Jones. A few years after Mr. Jones' death, his widow was married to Colonel Smith, who, being Governor of the State of Virginia, perished in the conflagration of the Richmond theatre, under that horrible mistake, as to the safety of his wife, which we have heretofore noticed, and which led to the heroic effort for her rescue that cost him his life.

This lady was distinguished for her amiable character, fine and cultivated talents, and, even more, for her cheerful temper, which, as the reader will infer from this letter, had been mellowed by the painful trials of her life, into the calm and thoughtful tone of religious resignation.

You charm me with your account of the trip to Albemarle. It is a beautiful country,—yet I should not, myself, have much pleasure in visiting it. The society is so much altered,—that of Pen Park, in particular, altogether broken up. And there are some recollections too keen to be borne. Enough.

You owe me no apology, my dear friend, for the advice you were so good as to give me. It is excellent and intended for my happiness. I am not so thankless as to feel resentment against the kind hand that would conduct me to Heaven. It is true, I feel myself very unfit for that society yet. "Hope," however, you know, "travels through, nor quits us till we die."

By-the-bye, we have an excellent preacher here, a Mr. Post, a friend of our Rice friends. He is meek, humble, sincere, devout, zealous: it is impossible to hear him without being convinced that his whole soul is engaged in his office,—but he has not yet succeeded in producing those high effects of eloquence which you witnessed in Albemarle from the preaching of Mr. Rice. Are you sure that you have not over-colored that scene? I suspect you were too much blinded by your own tears to see those of others. Not that I doubt Mr. Rice's powers, for I know and have felt them myself; but that the people of Albemarle were not wont to be much given to the melting mood on such occasions. This, however, is almost a new generation, and, I will hope, more piously disposed than their ancestors. There used to be about a dozen men of parts and wit and humor, original and strong characters, scattered through Albemarle, who kept the whole county laughing so incessantly that they had no time to cry, nor even to become serious in the intervals of the paroxysms:—that, we both know experimentally, is not the best preparatory society for a religious life. You have seen the fruits of such examples in the laughing characters of the Gilmers and myself, who were fresh from that school when you first knew us. It was not that mere gaiety of heart which may consist with the deepest reflection and the most intense feelings of religion, but a reckless, heedless, heels-over-head volubility which dissipated every thing that deserved the name of feeling or reflection. Its only palliative was that there was no malignity about it, and that there were occasional gleams of kindness and benevolence, with, now and then, a lucid moment of intelligence. And yet, at the time, we thought

there was no life like it. To tell the honest, naked truth,—I can't help thinking, yet, that there was a good deal of fun in it, though, perhaps, it scarcely deserved so staid and settled a name as that of enjoyment.

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How few, my dear friend, how very few of that laughing circle you used to have around you, can we count! Every one who contributed to its gaiety, gone! And yet how fresh is the whole group before my imagination, in the pause I have just made! I could actually see and hear them. Bache's sly, dry, comic drollery; Foushee's broad laugh; and so with the peculiarity of every member of that mad, merry circle. There were fine intellects in that group. It is not often that I have coped with such minds as those,—male and female. But their lights are all extinguished; and three or four, only, of us are left to mourn the loss of our own departed and irrevocable time,—of which I, at least, I own it, have made but a poor use. There was something mournfully sudden in the destruction of that circle. The death of one seemed to be the signal for that of all. Were there more than five years from the first to the last?

This is a subject which, whenever it is started, I know not how to quit;—a proof, no doubt, that I have yet too much pleasure in the recollection of those follies to have repented of them with sufficient contrition. I do frankly confess, if it be a sin that the memory of that circle and of every member of it should be very dear to me, I am guilty of that sin.

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I did not expect, when I began, to write more than twenty lines,—but old age, you may have *heard*, will be garrulous. Farewell: and if you will accept the prayers of a sinner, may Heaven bless you to the summit of your wishes, both here and hereafter!

Your friend,

Wm. Wirt.

TO JUDGE CARR.

WASHINGTON, December 29, 1819.

MY DEAR FRIEND:

I freely admit your plea of procrastination, in doing which I do only as I would be done unto. Your practice is, I hope, not so singular as to amount to a crime; for my own part, I plead guilty to it, and much do I envy the happy habits of those who do every thing at the proper time, since in no other way can it be well done. We who put off to the last pinch and then sit down and "work like Turks," never give our minds fair play; for our minds will no more work upon compulsion than we will; and then when we appear in public with our stinted preparation, to cope with fellows cased in Achillean armor, we are set down as comparative pigmies. Commend me to such a fellow as Pinkney, who sacrifices, at the altar of professional ambition, all his love of ease and pleasure, and even that strong tendency to repose to which his age, his corpulence, and the ample honors he has already won must conspire so powerfully to dispose him! Or rather, commend me to such a man as "the honorable Thomas," who, with the most engaging urbanity of social intercourse and the highest inspirations of native talents, blended the perseverance and system of the closest mechanical drudge; and verily, I say unto you, he has his reward. He never omitted to do what he ought to do, and he never did anything that was not done in the very best style. Now, sir, when I abused myself as I did to you, I had such a man as that in my mind's eye; one who, by the most laudable exertions, had raised himself to the highest point of which nature had made him capable. I know (modesty apart,) that I had sufficient natural capacity to have gone the round of the sciences: I know that I might have acquired all that it was desirable for me to know, not as a professional man merely, but as a gentleman and scholar. It is the reflection of what I might have been and what I am that stings and shames me; and surely I may pour out this ingenuous confession into the bosom of a friend, without being suspected, as I fear I was, of making disqualifying speeches, with the view of extracting an eulogy in return. I beg pardon of Providence for having subjected it to such a tirade, on no other account

than having protected and favored a poor fellow who stood very much in need of such a friend, and who had no wickedness of heart to render him entirely unworthy of it. But when a fellow gets along, as I have done, without any exertion on his own part, and with the consciousness of having neglected all the means necessary to such an end, what is he to think of it, if he believes in a Providence, at all, that rules the world? And who but such a wicked philosopher as yourself, would have thought of deducing from such a pious acknowledgment, the impious conclusions which you draw from it? So, I am not to thank Providence for a benefit, but I instantly give myself the right to saddle it with all my crimes!—on the notion that the doctrine of a particular Providence destroys, at once, all freedom of will on the part of the creature, and, consequently, releases him from all responsibility for his misdeeds. And pray, sir, do you not exercise a particular providence over your family? If so, how have you ever presumed to reprove your children or servants for their faults? You drive the meaning of a special or particular Providence, far beyond my purpose. I do not mean by it that the interference is perpetual, and that it exerts itself in prompting, suggesting and controlling all our thoughts, words and actions. If this were my position, your consequences, I admit, would follow; for our thoughts, words and actions would then be fairly chargeable on their author. But I can see nothing mysterious, or inconsistent with the acknowledged attributes of the Deity, in the belief that he made us, as Milton says, "free to fall, though capable to stand." Nor do I see anything mysterious or inconsistent with these attributes, in the opinion that Providence does sometimes interpose directly in the affairs of mortals, to shield the innocent, to disappoint the wicked, and to help the poor and distressed in their great time of need;—an opinion from which I derive no small comfort at this present writing. Does it follow from these occasional interferences, that Providence is the author of all the wickedness that is thought, and said, and done in all this vile world? Does such an interference amount to a destruction of the freedom of human agency, and a settled predestination as to every event? However, by way of avoiding rather than courting a fruitless discussion of this subject, let me recommend to your serious perusal a work of Doctor Chalmers' on Christianity. It

is a small work, which you will soon read; and then his Astronomical Discourses, which, if they will not convince, will reward you for the trouble of the perusal, by their amazing reaches of thought and their magnificent eloquence.

For all you so kindly say of me, my wife says, "May Heaven bless you;"—from which, I infer, she thinks as I do, that your friendship has done me rather more than justice. However, instead of more disqualifying speeches, it will be wiser to follow your counsel by repairing acknowledged deficiencies; and if I had a twenty years' lease of my life, I might be fit to live, by the time I come to die. But I will give these fellows a hustle for their eminence yet, if I am spared in health for a few years. So, you see the modest fit is going off.

You are to know that I have taken to rising to my studies by five o'clock in the morning, and I begin to feel the better of it already. This morning I have burned out a great part of two candles, up in the room in which you used to sleep. I am still there, for it is not yet breakfast time, and, on opening my windows, I find a most exhilarating snow falling, which I think I have told you is always a cheering spectacle to me. On the present occasion it is doubly cheering, for you are to know that I am interested in a valuable cannon foundry on James River, whose operations have been almost stopped this fall, for the want of water.

December 31st.

Interrupted,—and have had no opportunity till now to resume the thread of my discourse. And now I am under the expectation, every moment, of being called on for an official opinion which I have not yet finished.

"The Essays of a Mother" are as well adapted to their purpose as Franklin himself could have made them. I must tell you, sir, without being accused or even suspected of flattery, that you have a lightness, and, at the same time, a vigor of pen which Voltaire himself might not have disdained to own.

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As to these aforesaid Shandyisms,—I take it for granted that you visit us this winter, (without being tied to Holmes' apron-string,) and that you will bring the aforesaid with you.

Would that I could visit you! But when, or how?—not *when* or *where?* It is very certain if this world was not made for Cæsar, neither was it made for me; for I have no more liberty of locomotion in it, than if I were chained to the oar of a Spanish galley.

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Mrs. Wirt and our children join in love to you and yours, and wish you all the pastime of the season.

Yours ever,

WM. WIRT.

CHAPTER VI.

1820.

QUIET PROFESSIONAL LIFE.—THE MISSOURI QUESTION.—LETTER TO CARR.—PARTICULARS RELATING TO DECATUR.—LETTER TO HIS DAUGHTER.—VISIT TO SHANONDALE.—ENGAGED IN THE BANK PROSECUTIONS IN MARYLAND.—BEL AIR.—A VISIT TO WEST POINT.

In the smooth, deep current of successful professional life, upon which the Attorney General was now borne, I find, as in some previous epochs, a natural dearth of incident to furnish topics for my narrative. The strength which was working out his fame and placing him in the rank of master intellects, which was bringing affluence to his enjoyment, and refinement to his fireside, wrought its achievements in the quiet career of study and official occupation, showing the traces of its progress rather in the ends it attained than in the incidents of its advance.

In a letter to his old friend Judge Tucker, from whom he had now been separated for more than two years, he writes,—"My duties are laborious and engross me almost entirely. Yet you will do me great injustice if you do not believe that I think of you always with affection,—tenderly, warmly and deeply. The frequent and happy occasions in which we have practised on Horace's maxim—*dulce est desipere in loco*—rise in my recollection with feelings which it would not be very manly to confess in full. You can easily imagine them. Adverse, as every circumstance now seems to be to such a calculation, and gloomy and forbidding as the times are to to all that is joyous and even cheerful, I cannot give up the hope that we may yet again renew those scenes of innocent festivity."

The date of this letter,—January 1820,—will remind the reader that the allusion, in the concluding lines of this extract, is to the unhappy state of affairs produced by the pendency of that great question which agitated the country, upon the application of Missouri to be admitted into the Union. It was then under dis-

cussion in Congress. The public mind was disturbed with the most anxious apprehension as to the result. The settlement of this question, then deemed so portentous to the Union, hung in a doubtful scale, and its influence was every where visible in imparting a sombre tone to the reflections which it excited. Happily, the genius of compromise and forbearance came to the aid of the national councils on that occasion, disarmed the controversy of its threatened mischiefs, and established a peace which, we had hoped, was never to be broken. Events of more recent date, which have revived some of the exasperations of the topic of that day, furnish a new motive to the statesmen of the present time to study this passage in the history of the country, that they may walk in the light of the experience it teaches to guide the State safely through the same perils. It was a common opinion of 1820, that the fate of the Federal Government was involved in the issue then pending. Some alarmists fancy that, in the later revivals of the same question, they see the same disaster. We do not pretend to undervalue the real danger of that frenzy which political partizanship may raise in the mind of the nation upon such a topic; but we have never believed that, either in the year to which we refer, or at any subsequent period, has that subject—allowing to it all the importance which any one has ever claimed for it—had such overmastering control of the judgment and good sense of the country, as to place itself beyond the limit of the same beneficent spirit of compromise which rendered it impotent to disturb the Union in 1820. It is a weapon of offence only in the hands of political prize-fighters. The direct *interest* in the integrity of the Union, which renders its preservation a question of personal welfare to every citizen, and of safety to every state—to say nothing of that higher glory, the love of country, which rises above all sectional attachments,—will always be found sufficiently potent, in the hour of need, to subdue the factious rage of disorganizers and to compel the surrender of those extreme points of difference which, on either side, may threaten the peace or disturb the harmony of the country.

The following letter refers to another incident which, though of a personal character, scarcely less attracted the public notice, for a brief space, than the last.

TO JUDGE CARR.

WASHINGTON, April 2, 1820.

I thank you, my dear friend, for your short letter, which I would have sooner answered but for causes beyond my control. Instead of attempting to give you an account of the quarrel between our lamented Decatur and Barron, I propose to send you, in this, a copy of their correspondence, which we are promised from the Intelligencer press to-morrow. Decatur shewed me this correspondence, in confidence, late last fall, so far as it had then gone; and I used every effort to prevent the fight, which he was very far from wishing to bring on, but which he considered as forced upon him in such a way, that there was no avoiding it but by disavowing what he had really said and thought of Barron; and of this I need not say he was incapable. He did not approve of duelling.

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He then passed to his own case. Fighting, he said, was his profession, and it would be impossible for him to keep his station and preserve his respectability without showing himself ready, at all times, to answer the call of any one who bore the name of a gentleman.

After my return from Baltimore, I heard nothing more of it 'till he was brought home mortally wounded; and then I saw him no more 'till he was a corpse. As I stood near him, alone, and looked at his dead face, marked, as it still was, with the last traces of his departed spirit, I could not help saying—"What is life, and what all the glory that this world can give?" The soliloquy is not a very novel one, indeed. I have made it, in common with others, a thousand times before, but I never felt its force till then; for never, 'till then, had I seen the corpse of such a man. You knew him, I believe, only as a hero. I ought to have made it my business to bring you to know each other individually. Could I have foreseen such an event as this, I would have done so. But what good would it have done? It would have made you feel his loss the more sensibly, for you would have mourned, instead of merely lamenting the loss of a hero. They both fell at the shot, which was so simultaneous that the report of

two pistols could not be heard by those who stood out of sight, though close within ear-shot. This I heard from Commodore Porter, who was standing thus with Rogers. He exclaimed immediately,—"one of them is killed, for there is only one shot." Very different was the scene when he got to the ground. Decatur was apparently shot dead: he revived after a while, and he and Barron held a parley as they lay on the ground. Doctor Washington, who got up just then, says that it reminded him of the closing scene of a tragedy—Hamlet and Laertes. Barron proposed that they should make friends before they met in Heaven, (for he supposed they would both die immediately.) Decatur said he had never been his enemy, that he freely forgave him his death—though he could not forgive those who had stimulated him to seek his life. One report says that Barron exclaimed "Would to God you had said thus much yesterday!" It is certain that the parley was a friendly one, and that they parted in peace. Decatur knew he was to die, and his only sorrow was that he had not died in the service of his country. It is believed that Barron will recover—though this is far from certain. The papers will have told you every thing as to Decatur's funeral procession, &c.

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Give our love to your *fireside*, for I suppose this snow has reached at least to Winchester. And may Heaven bless you all, and keep you warm and comfortable.

Your friend,

WM. WIRT.

We have now a playful and instructive letter to his daughter, who had gone to the country to attend the wedding of a friend.

TO LAURA H. WIRT.

WASHINGTON, Tuesday, May 23, 1820.

Such a splash as we had at Mr. Law's yesterday! Near a hundred gentlemen: all the farmers of Prince George's county for many miles around, and all the gentry from Washington. And no more ceremony, and quite as much festivity and playfulness, as among a flock of children just broke loose from school. Anthro-

bus,* with his white horse rearing up perpendicularly half a dozen times, from impatience to start;—and his English servant, to be even with his master, dancing off, in short jumps, for about forty yards; then giving whip and spur and dashing through Mr. Law's clover field, like a thunderbolt, to get to the gate before his master, who was driving at the rate of twelve miles an hour! Then such a rattling of carriages and clattering of horses' hoofs! But first, such a dinner!—But before that, such fine punch, down at the spring beyond the pavilion on the hill in the woods!—Then, such excellent songs after dinner! Graff has a Dutch parody on Jessie of Dumblane, which is admirable. The President laughed 'till he cried, and I believe would have danced, if a fiddle had struck up. The good old man sat at table beating time with his fork to the songs sung by Graff and others, with all the kindness and amiability of his nature.

Mr. Law delivered a great speech. It was a meeting of the Agricultural Society; but the speech was over before I got there. On asking Mr. Adams for an account of it, he said—"it was a love song about murder; in other words, an agricultural speech in praise of manufactures." Quite in his style! eccentric poetry interlarded with —— (MRS. WIRT *loquitur*:—Colonel Morrison has taken your father to the door, just to say a word to him, and there he keeps him.—Oh, here he is again—.) In, short it is not possible to conceive of a more agreeable country party than it was,—so far as agreeableness can exist without ladies.

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We have had shocking weather for a fortnight, but Spring has come again, and May is, once more, the mother of Love. Remember this in all your *égaremens de cœur*—(is'nt that French?)—none of your broad, loud, open-mouthed, chuckling, choking laughs. Chesterfield says that polite people never laugh;—they only smile. It is very certain that a boisterous, joint-loosening laugh detracts much from personal dignity, grace and reputation for understanding; and, if frequent, it is the reverse of captivating. I am glad that you have so much self-command in this particular.

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* Chargé d'affaires in the British Legation.

M. wants to know who is to be the *divine* (as the widow Warren says) who is to tie this same knot for L. Tell her—

"Cheer up, cheer up you maiden,
For you very well do know,
That loving Johnny Gorman
Died five months ago."

And if this argument does not comfort her, I must give up the business to Henry C. who, I have no doubt will succeed better.

Is it possible you don't prefer the country to the town? Plague on the town! I wish I could live in the country forever and aye:—so quiet, sweet, cool,—books, pens, ink and paper in profusion,—mountains in view,—"beautiful breezes" from the west. Then, when company comes, such unaffected, heartfelt pleasure!

I'll bet you we have more roses than you have. Here are both gardens full, every bush teeming, blushing, bowing under its fragrant load of all hues, from the bud that has just burst its green vestment, to the flower that is dropping its withered foliage. Talking of vestment—puts me in mind of vestimental oil, and this reminds me of congratulating you on your escape from the soil of the forty counties:—but you have not got back yet, and I shall be as curious as Clarendon's blacksmith when you do come.

I want to tell you a secret. The way to make yourself pleasing to others is to show that you care for them. The whole world is like the miller of Mansfield, "who cared for nobody—no, not he—because nobody cared for him:"—and the whole world will serve you so if you give them the same cause. Let every one, therefore, see that you do care for them, by showing them, what Sterne so happily calls, "the small, sweet courtesies of life,"—those courtesies in which there is no parade; whose voice is too still to teaze, and which manifest themselves by tender and affectionate looks, and little, kind acts of attention—giving others the preference in every little enjoyment at the table, in the field, walking, sitting or standing. This is the spirit that gives to your time of life and to your sex its sweetest charm. It constitutes the sum total of all the witchcraft of woman. Let the world see that your first care is for yourself, and you will spread the solitude of the Upas tree around you, and in the same way—by the emanation of a poison which kills all the kindly juices of affection in

its neighborhood. Such a girl may be admired for her understanding and accomplishments, but she will never be beloved. The seeds of love can never grow but under the warm and genial influence of kind feeling and affectionate manners. Vivacity goes a great way in young persons. It calls attention to her who displays it, and, if it then be found associated with a generous sensibility, its execution is irresistible. On the contrary, if it be found in alliance with a cold, haughty, selfish heart, it produces no farther effect, except an adverse one. Attend to this, my daughter. It flows from a heart that feels for you all the anxiety a parent can feel, and not without the hope which constitutes the parent's highest happiness. May God protect and bless you!

Your affectionate father,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, August 1, 1820.

MY DEAR FRIEND:

This is the first of August, as indeed you might have discovered, by the heading of this letter, if you had looked sharp.

On this first of August, William H. Crawford sets out for Georgia; in a few days Calhoun is off for the Lakes; and Thompson is at New York, where he will remain till frost. Thus, three departments will be in the hands of subalterns, who will stand in daily need of the Attorney General to help them through their difficulties.

On this same first of August, I commence the digging of a new well, the old one having failed,—and the operation will require my superintending presence. Item: on this same first of August, I am to determine on proposals to make an addition to my house, which we think indispensable to our comfort; and this operation, which, if it begin at all, must begin immediately, also requires my presence and superintendence.

And, on this same first of August, I receive your kind letters, pressing me to go to the Shanondale Springs, enlisting my wife to conspire with you, and enforcing the whole by the request of your dear wife; requiring me, too, to set off, forthwith, to-day.

The question is whether I should obey my inclination or my duty? I think it my duty to remain at home, and mind my business.

In the meantime, if you do not think that I am deeply and tenderly impressed by the interest you take in my health, you do me great wrong. Mrs. Wirt would write her thanks, but that she is shy of committing herself on paper to a grave and learned lord chancellor; and therefore she deputes me to tell you that I am a perverse sort of a body, who, while she opposed my going from my home, manifested a strong inclination to do it,—and now that she consents, I have wheeled about, myself. But this is all in my eye. If she thought my health required it, she would go with me to the end of the earth, and, if we found Captain Simmes' opening there, would walk in with me, among the concentric spheres. Yes, although we should both be going down the hill of life,

> "Still, hand in hand we'd go,
> And sleep thegither at the foot:"——

than which I think there is not a sweeter thought in all Burns. I learn to feel it more deeply and tenderly as I, with my faithful and affectionate help-mate, approach the brow of that hill. O! to be left alone at such a time! What other sacrifice is there on earth, that a man, with a human heart in his bosom, would not cheerfully encounter to avoid it! But enough of this.

Where are these same Shanondale Springs, and how are they approached from this place? If I should be able to make out the trip, would I go by the stage to Winchester; and is there a public conveyance thence to the Springs? I should be most highly gratified to meet you there, as you propose, and I have no doubt that it would be serviceable to my health.

I hope you are not roasted as we are. The earth here is as hot as an oven, and the whole atmosphere feels, and almost looks, as if it were on the point of blazing. I wish balloons would come into play. How delightful it would be for every family to have one, always ready to mount up into the cool regions of the air, and, at the same time, so anchored to the *terra firma* of their respective proprietors, as to be in no danger of flying off with them. I should not be at all surprised if, in the course of the

present century, it should become as fashionable for the rich and luxurious to spend their midsummer days a mile or two above the earth, as it is at present for the people of Charleston to spend their summer evenings in their gardens. What a spectacle, to see a squadron of balloons, in their ascent from our cities, on one of these daily excursions! There is something cooling and refreshing in the imagination of it. How would you like to be drinking lemonade and reading Shakspeare on the flat of your back, above the clouds?

To return to the weather. Will it never rain again? Time was, when one such torrid day as we have had, would have been followed by a shower; but there seems to be no moisture in the earth to evaporate; and even the water in the river seems to have turned dry and inexhalable.

I have told you, heretofore, of the pleasure I sometimes take in turning back to my old letters, and re-perusing the merriment of my friends. I have been indulging in this lately; and, to give you a specimen of this amusement, I send you a letter of your own, one of Coalter's, and one of Peachy Gilmer's, written in days of yore, while we were all single men, and when friends were living who have gone before us to the grave. I send one, also, from that rattle-cap, Meriwether Jones. Poor fellow! he had but one fault, and that he had in common with all the heroes who preceded him, except Scipio; and, if we may believe Xenophon, Cyrus; and perhaps, also, Hannibal, whose master-passion (his hatred of Rome,) seems to have swallowed up the rest. Jones was as brave and heroic as any of them, with far more generosity than ninety-nine in a hundred of them, and with a tenderness of sensibility that was almost feminine.

Don't forget that these letters are to be returned to me, as soon as you have read them; unless, by way of recreation, you choose to show them to Henry Tucker, and the Judge,—Holmes. I can't part with them; they are medicine to the heart and soul. Pray have you thought it worth while to preserve yours? And do you ever look back upon them? They are the memory of joys, as well as sorrows, that are past—pleasant and mournful to the soul. But for the Christian revelation, it would be natural to suppose that it would be with much such feelings, that our spirits, in the next world, would look back upon the whole of this life.

But this is getting into water too deep for so poor a swimmer as myself:—let us come to the shore.

How do you put over the time?—as we say in Cohee-land. Do you read? or do you write? or, *do* you *do* both?—Pray is this last question grammatical?—for I have not time to think of it.

So, you are to have Coalter with you—best of good fellows—and his most amiable and excellent daughters. I was at his house, near Richmond, and staid all night. Cabell and Laura were with us. We might have fancied ourselves young again, but that our girls were there to dispel the illusion. It was only the other day that you, and Coalter, and Peachy, were youths, writing to me these merry letters; and now we have children nearly grown, and, if the truth were known, thinking, I dare say, of being married themselves—which is moralizing quite as sagely as Justice Shallow on the death of old Double. I catch myself often at this profound and original sort of speculation, *de vanitate mundi*, but the fact is, no man has a perception of these moral truths, 'till they are brought home to his bosom by his own experience; and then they rise up, for the first time, with all the freshness of novelty about them.

Mr. ——— was here last night. He talked of agriculture, manufactures, finances, a national institute, the bank loan, the dry weather, Miss. B., the 4th of July, the revolution in Naples and a newly invented plough, all in the same breath, and pretty nearly in the same sentence. And when he was forced to shut his mouth, by Laura's beginning to play, he also shut his eyes, and, I believe, went fairly to sleep; though he cried "beautiful," several times, in the wrong place. Miss B. says he does not know Barbara Allen from Yankee Doodle.

Poor Mrs. C. is still in sore affliction for the loss of her boy, who, by-the-bye, was one of the finest, if not the very finest, child I have ever seen. I think it was the Thracians, who mourned when a child was born, and rejoiced when one died. Had they not good reason for it? Their course was certainly much less selfish than ours, if it be true that there is a hereafter, and a hereafter of unmixed happiness for spotless innocence. And that there is, we ought not to doubt.

These same Springs again:

As to your thinking I care nothing for you, your wife or children, unless I go by Winchester to these Springs, I am not afraid of that: for you know better, by four or five and twenty years experience. And you know also, according to an elegant and favorite saying of J. W's, that "old dogs don't learn new tricks"

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I am incessantly interrupted by men on business, and now the mail hour has arrived.

God bless and preserve you, your wife and children—as also your friends—and, among them, our noble selves.

WM. WIRT.

According to the appointment of this letter, Wirt spent a part of August at the Shanondale Springs, on the Shenandoah River, a few miles from Harper's Ferry. After that, he was called by professional service to Bel Air in Maryland, to take a part in the trial of certain prosecutions against officers of the Baltimore Branch of the Bank of the United States. These trials were postponed till the following year. The visit of the Attorney General, however, to the little village which was to be the scene of debate, is pleasantly described in a letter to Mrs. Wirt of the 4th of September.

"Here I am at Bel Air. We came up to-day in Williamson's coach with four smoking greys. We got here between eleven and twelve. Our quarters are quite comfortable, and the village itself, to my agreeable disappointment, a pretty place; the air fine, and the water super-excellent. The village is on a high open plain, the streets well bordered and shaded by locusts. I have a room to myself, a good bed, etc. There is a narrow grass plot on the north side of the house, which forms a delicious sitting place this evening, and stretches immediately under my chamber window. Then, for the table:—we had to-day a sweet small ham, very like what we used to get at Cabell's,—a *nice* fat young goose,—two *nice* boiled chickens and sundry vegetables; and for dessert, tarts, sweetmeats, good cheese, etc.—and, oh!—such a quantity of large, delicious peaches and pears! The

road, for several miles back, is lined, on both sides, with peach trees, loaded, to breaking, with fruit, and near enough to be pulled *ad libitum* by the hand, as we rushed along in the carriage. I have never seen a finer fruit country. Then we are within eight miles of the Chesapeake, and about the same distance from the mouth of the Susquehanna—fanned by land and sea breezes.

"But we are in serious apprehension of being obliged to leave this delicious place to-morrow. Judge Dorsey, the Chief Justice, is taken sick and goes home. One of the remaining two associates is laid up with tooth-ache, and is not here yet. If he comes, it is the general impression that the two juniors will not, and ought not, to try cases of such a nature as these, without the Chief Justice. So, do not be surprised if I am with you by Thursday; and be not disappointed if I am not,—because, at present, it is all conjecture what the course will be."

Amongst the matters of mere personal concern, which furnish the staple of nearly all I have to record of Mr. Wirt at this period of his life, the reader may be amused with the impressions made upon him by a short visit as far as the Hudson River, it being the first excursion into this region of the United States which he had yet attempted. The purpose of this journey was to place his son Robert at West Point, and to provide for his entrance into the military academy, to which he had lately received an appointment. We have a few sketches of his travel in letters to Mrs. Wirt, from which I make some extracts:

"Camden, September 21, 1820.

"Here we are, opposite to Philadelphia!—So, this is Philadelphia! Humph! as Sterne said of Paris. And what is there in Philadelphia to make such a mighty fuss about? One single church steeple and a shot tower are the only striking objects in view. All the rest is a mass of brick houses with white windows, on too flat a plain to be seen more than one or two hundred yards from the water. So, it is only by information that I know it extends two miles across to the Schuylkill. The extent upon the water—which *they say*, including suburbs, is four miles,—shows a common, plain, quakerly place, and, in point of beauty,

no more to be compared to Richmond than a drab coat to the imperial purple. But the approach up the Delaware is very beautiful.

"—— Let me see if they will allow me to breathe here long enough to give you a diary.

"—— At five o'clock, P. M., we were off in the steamboat, at Baltimore for Philadelphia; passed Fort McHenry, whose "Star Spangled Banner" formed the subject of Key's celebrated song. The night bright and beautiful, and we kept the deck till nine, then supped and to bed, having to rise at one in the morning to take the stage from French Town to New Castle.

"Cut off!—The bell is ringing for the Trenton boat—and so, here we are—off for Trenton:

"On Christmas day in Seventy-Six."

"NEW YORK, September 23.

"We arrived here yesterday morning at ten. After dressing, I sallied forth in quest of the commodities to be purchased for Robert, intending on my return to give you an account of every thing. We returned at two,—when I found the mail had closed at one; so my chance to write was gone till to-day. In the evening we went to the Battery, and then to West's circus to let Robert see another *entree* of those celebrated horses. This morning I rose early to visit the Fish Market. The first person I met in the twilight was Mr. Hagner of Washington. He had just arrived from the north. Upon his suggestion I went into another room, where I found Mr. Calhoun and Major Roberdaux. In about five minutes afterwards, to the surprise of us all, came in Major Bomford, and soon after him, Major Thayer, the commanding officer at West Point. We were in a parlor assigned to Wilde and his family, and, being invited to join them, we all breakfasted together. Calhoun insists on my going to visit the forts with him to-day, at eleven. Instead of employing the morning in a journal of my interesting travel to this place, I shall go. I will write to you again to-morrow. We are invited to dine with the Corporation on Monday.

"September 24.

"They played us a trick yesterday. Instead of carrying us to the forts, they took us to a silk factory on Staten Island, where we were detained the whole day; and this by a *ruse de guerre*, without the sanction or knowledge of the Secretary, against his will, and very much against all propriety—for the troops were under arms at all the forts, expecting him, throughout the day. For my own part, I thought it such a breach of the respect due to the Secretary, (whom, by-the-bye, it was intended to honor, or rather, to catch from him a reflected honor and to throw it on this institution) that I was out of humor all day. Besides which, it was time lost to me without an equivalent; for I did not, by any means, consider a turtle dinner on Staten Island, as a compensation for the lost opportunity of seeing the fortifications and the city itself. I have not the least doubt my displeasure was visible in my manner, and that I shall be set down for a very surly, ill-natured fellow—which, you know, is not the case.

"About five we went to see the Vice-President,* who lives at the north end of Staten Island, fronting New York, and who, in answer to an invitation to the aforesaid silk dyer's had been reported sick in bed. He met us, however, at the gate, looking as well and smiling as ever. We staid fifteen minutes, were introduced to his family, and then returned to New York in the steamboat "Nautilus," about dark. On our return Mrs. Wilde told us she was quite surprised at reading in the newspapers of the day where we had been:—so that the printers, it seems, knew more of the Secretary's movements than he did himself. As to the sights—I must put off all that 'till my return; for if I spend my time in describing, I shall lose half that I ought to see."

"West Point, September 27.

"We arrived here last night.—I pass over the beauties of the Delaware River and of New York, to come at once to this place. Yet, how can I write a word—with that heavenly band of music, surpassing anything I ever heard of its kind,—and that exact, majestic, and most beautiful march of the cadets, which is now

* Mr. Tompkins.

going on in my view, on the finest plain and amidst the most captivating landscape in the world!—I can't stand this divine echo of the bugle from the mountains!

* * * * * * *

"The music pauses for the drill, and I resume my pen. Poor Robert is very differently employed, being now under examination before the academic staff, to determine whether he is to be admitted or not. He has been told by Thayer that the examination is very severe; but Thayer kindly requested a private interview with him this morning and put some preparatory questions to him. He has told me that Robert will certainly pass.

* * * * * * *

"There goes the band again!—and here come these ravishing echoes once more from the mountains, which mountains hover over us with the old revolutionary fort, "Putnam," crowning the summit to the southwest. It is all in vain to write. There are too many beautiful objects. We have Newburg in full view, eight miles up the river, seen through the majestic jaws of the mountain, which form the passage for the river to the northwest. The academic staff have come to see me. Robert is highly spoken of.

* * * * * *

"I go to Newburg to-morrow to get on board of a descending boat at ten at night."

CHAPTER VII.

1821.

THE TRIALS AT BEL AIR.—ENCOUNTERS PINKNEY.—RIVALRY.—LETTER TO CARR.—SEVERE LABORS.—SICKNESS.—REMEMBRANCES OF THE FRENCH REVOLUTION.—SUMMER EXCURSION TO SARATOGA, LAKE GEORGE, ETC.—CHARLES COLLEY—A STORY OF MR. POPE'S.—LETTER TO POPE.—BURGOYNE'S SURRENDER.

THE cases which had taken the Attorney General to Bel Air last year, now came on for trial in April. There was a great array of counsel. Mr. Pinkney and General Winder were the leading members associated in the defence. Mr. Wirt, General Harper, Mr. Mitchell,—a gentleman distinguished at the Baltimore bar for his professional talents, and not less for his wit and humor,—were engaged, with others, in the prosecutions. I hope I shall not be considered as transcending the limits of propriety, in referring to a few passages in the letters written to Mrs. Wirt, at this period, relating to these trials. They speak confidentially, and in good earnest, the writer's exultation in the success of his own performances. There is no motive at this time to conceal such opinions; and the expression of them, when we regard the circumstances in which they were written, and especially the person to whom they were addressed, will scarcely be open to the censure of egotism. We shall see the old rivalry renewed.

April 2, 1821.

"This being my day to make a speech, I commenced at ten, thinking I should have done in two hours: but I spoke four, and was so much exhausted at two o'clock, that the Court adjourned without my application,—I being then only about half way in my speech. I satisfied myself; and knowing me as you do, that is enough for me. I will only add that Pinkney paid me the compliment to say that 'it was very beautiful and *apparently* very argumentative.' Others hold more flattering language; but I am

a modest man, as you know, and can say nothing further on the occasion. I was hoarse and extremely fatigued; but, judging by my feelings to-night, I shall be able to resume to-morrow with increased vigor.

"Thursday, April 5.

"I wrote you on Monday evening after I had finished about half my speech. The next day at two o'clock I closed. I have rarely, if ever, made a better argument. General Winder has been speaking ever since, and to-day comes out Roland. He has been closeted ever since he heard the first part of my speech, on Monday, to the subject of which alone he means to confine his answer, leaving the residue to Winder. We look for an Ætnean explosion from him. He is certainly put up to full speed, and has much character staked upon his appearance. He has been unwontedly civil and kind to me.

"Saturday, April 7.

"This is the fourteenth day since this argument was opened. Pinkney, before he began, promised to speak only two hours and a half. He has now spoken two days, and is, at this moment, at it again for the third day. You will be gratified to hear that although there are four counsel on the same side with me, and the veteran General Harper,—hitherto the only Maryland rival of Pinkney,—among them, yet here the Attorney General is regarded as his chief antagonist, and the comparison made by the Court, the bar and the bystanders far from being to my prejudice."

Trifles such as these, which on other occasions might be liable to disparaging comment, acquire value in a biographical sketch as exponents of character. They are to be regarded as illustrative anecdotes, which often serve to cast a better light upon personal qualities or the features of the mind, than more earnest and acute dissertation. They are chiefly valuable in the present case, for the evidence they furnish us of that eager, sensitive and stimulating desire in the breast of Wirt, to contend with and to excel, if possible, the most renowned and skilful competitors in the theatre of his own art.

The letter which follows opens a history of severe labor and its too common penalty, disease. It is not without a strain of

jocular vain-glory which usually goes with a cheerful ambition, and tells of a sanguine temper and a contented life. The remembrances of revolutionary France, with which it concludes, have some signification in connexion with events of the present day.

TO JUDGE CARR.

WASHINGTON, May 14, 1821.

MY DEAR FRIEND:

Your letter is a cordial to me. It is such a letter as was to have been expected from such a friend, under the excitement that produced it. Who can say that life is not worth having while such a friend is to be found and enjoyed? But enough, in this strain—for you know how much more I think and feel than I say.

The alarm which you have had, on my account is, I hope, unfounded—at least in the extent to which it seems to have gone. It was only a longer continued, though a much less severe recurrence of an infirmity to which I have been subject, ever since I was fourteen years old—a vertigo,—the first attack of which I experienced at old Parson Hunt's, in Montgomery county, twelve or fourteen miles above this place, while I went to school there, in 1786 or 1787. I had been, at that time, sitting, with my elbow on my knee, and my head resting on my hand, reading Swift's account of Partridge, the Almanac-maker, for the first time in my life; it was before breakfast, in a winter's morning, and before a rousing fire, which I was too much engaged to feel—when, on being suddenly called upon by old Mrs. Hunt, from the next room, to ring the bell, I started up and crossed the floor to the bell-string and had only time to pull it once or twice, when my head began to swim and I fell—bereaved of all sensation and reflection, except that I was spinning on the floor like a top. A most profuse and deadly sweat, with sick stomach, followed—whereupon I got clear of my sickness. I sent for young Dr. Galt, who, at my request, bled me, although he assured me it was unnecessary, and that the whole was attributable to disordered stomach. Minor attacks, accompanied with dimness and blindness of sight, have been frequent with me, some of which I have had to disperse by jumping up and dancing over the floor; but I have thought nothing of them, except as transient inconveniences, and not even worth mentioning.

During the last Supreme Court I was very much engaged. I was forced to lose my wonted sleep, and had not a moment for exercise. The Court kept me constantly engaged till four o'clock: I had then to hasten home to dinner, and, immediately afterwards, to sit down to my papers till ten, eleven and twelve at night—then up again at three or four in the morning, and with merely time enough to take breakfast, off, as rapidly as my carriage could drive me, to the Capitol, at eleven. This, I bore very well for six weeks—when I was required to decide a question of usage, in the department of State, in settling the accounts of foreign ministers, without any previous knowledge on the subject, and with no other guide than huge accounts, of which not one item in a hundred applied to the case. I always disliked accounts. It is a dray-horse business, in which even the triumph of acuteness, in discovery has never compensated me for the nauseous labor of the research: it was a case, too which required a speedy answer—and this, after the exhaustion of past toils in court, and during the labor of others still pressing me. As I hate to say "I can't," even worse than I hate accounts, I determined to see it out; and, despatching my wife and daughter to De Neuville's, and the children to bed, I set into my task.

It was, while pursuing this, exhausted by past toils and want of sleep, that the symptoms of vertigo returned; not with half the violence I had before experienced—but enough so to require me to undress and go to bed. I did so, and sent for a physician, was bled, &c. The disease was again referred, as Galt had referred it, to sick stomach, totally unconnected with apoplexy or palsy. *I know* that it is the same *vertigo* I have had all my life—differing, as I said, in nothing, but its following me up with more-frequent but less violent attacks. But a truce with all this. I believe if I had not been Attorney General, they would have let me enjoy my vertigo in peace, and have made no noise about it; but now, I suppose I must die outright through *etiquette*.

Why, sir, have not I been to Bel Air, in the midst of it all, and bearded that "damn'd magician Glendower," without suffering the thousandth part that the earth did, at the birth of the Welshman—nay, without suffering by the struggle or in the comparison? Tut, man—don't tell me!—Am I not in my youth yet—in the bloom of my youth, and the very hey-day of my blood? Poh,

poh!—I have a thousand things to do yet, and have not time to die. To-be-sure, when my time comes—when Heaven so wills it, I must go;—so must all, young and old—but I have no reason to believe, from this affair, that a very speedy departure has been decreed for me.—But enough of this, too; it is rather in the P. P. style, the importance of a man to himself.

I should be *extaciated*, (as old Col. Laval, my neighbor, calls it,) to meet you in Albemarle, in Buckingham, or any where, this summer;—and, if my health should make it necessary, somewhere or other, I will go.

I am distressed at the cause which carries you from home. Alas, my friend, this is rather a scurvy world, after all. I could be very melancholy, if I would, when I reflect on it—"but grieving's a folly." All that remains for us is to do the best we can, and acquire the stoicism of Shakspeare's —— "who fortune's buffets and rewards with equal patience takes:"—so, "Away with melancholy, nor doleful changes ring, on life," &c.

By-the-bye, did you ever see such a miserable fist as the Neapolitans have made of it? Are these the descendants of Brutus and Cato? O shame and disgrace unspeakable and indelible, in such a cause! I had begun to feel the same sort of throbbing with which my heart beat, near thirty years ago, in the cause of France—and was already panting to go to Naples, and take a hand with them—was chaunting every morning, as soon as I awoke,

"Merrily every bosom boundeth,
Merrily oh, merrily, oh!
Where the song of Freedom soundeth,
Merrily oh, merrily oh!"

When, behold this miserable, mean, pitiful, sneaking capitulation arrives.—O, how different from the movement of France, in the youth of her revolution! Even at this moment my blood runs cold, my breast swells, my temples throb, and I find myself catching my breath, when I recall the ecstacy with which I used to join in that glorious apostrophe to Liberty in the Marseilles Hymn, "O Liberty! can man resign thee, once having felt thy gen'rous flame." And then the glorious, magnificent triumphs of the arms of France, so every way worthy of her cause! O,

how we used to hang over them, to devour them, to weep and sing, and pray over these more than human exertions and victories! And how were the names of those heroes of Liberty, "in our flowing cups, freshly remembered," and celebrated almost to idolatry! Alas! where are they, and where is their cause now?

But France was great and glorious even in her transition, and in her fall. As for these yelping Neapolitan puppies, the only fate worthy of them is to perish in their own grotto del cano. But can this be the end of it? Can this be the end of such a cause; can Heaven suffer it? Are kings and tyrants, only, worthy of its care?

I cannot, yet, but hope that with the political light which the last half century has shed upon the cause of human liberty, and which has been so extensively diffused throughout Europe, illustrated by the great and steady movement of our political ship through the ocean of human affairs, that cause will not expire. They cannot believe all that has passed a feverish dream, and so turn over and go to sleep again, in the long night of despotism, while they have before them the waking reality of our government.

The tyrants may have quelled the Carbonari, and extinguished some of the coal-pits in Naples, but Vesuvius and Ætna yet burn; so does Cotopaxi:—and so, also, I trust, does and will, the cause of Liberty, till the tyrants of the earth are buried under its eruptions.

* * * * * * *

Remember me affectionately to Tucker and Holmes.

I write in my office, in great haste.

Heaven bless you! Let me hear from you.

Your friend, *in sempiternum.*

WM. WIRT.

During this summer Mr. Wirt, in company with his family, made a journey to the north, and spent some time in the neighborhood of Saratoga, Lake George, and other places of note connected with the war of Independence. To him, who had been 'till now an entire stranger to this region, this was a journey of most absorbing interest. The beauty of the country was fascination itself to one so capable of feeling it; but the revolu-

tionary associations were far more potent to charm him than even the scenery. This tour continually suggested to him the most lively and affectionate remembrances of his old friend in Virginia, William Pope, who was somewhat distinguished in the circle of his acquaintance for his assiduous devotion to the preservation of every incident belonging to the personages and history of the war of 1776. Mr. Wirt, therefore, had scarcely got home from his journey, before he sat down to pour out, in a letter to Pope, the whole story of his travel over this enchanted ground. The letter will speak for itself. But as it refers to subjects which had supplied many an hour of merriment to the parties in this correspondence, and which cannot be understood by the reader without a preliminary explanation, I take occasion to furnish this, by recording an anecdote which may yield some amusement in the perusal.

Mr. Pope told many excellent stories,—indeed, was somewhat famous for the irresistible comic effect he could impart to a narrative in which variety of characters was required to be described. The bar of Virginia will long retain the traditions of his good-fellowship and amusing talent, as his contemporaries still delight to remember them.

The reference to Charles Colley, will be intelligible by the following story, which was one that often disturbed the gravity of Mr. Pope's associates. I give it very nearly in the words of Mr. Wirt himself, from some memoranda in my possession.

"To enable you to enter into the story,"—says the Attorney General,—"I must remind you that, before the Revolution, there was very little intercourse between the colonies. A poor man in Virginia who, at that day, had had the good fortune to have crossed the line into Maryland, on one side, or North Carolina, on the other, was considered by his neighbors as a sort of prodigy, and gave himself airs of consequence, upon the strength of his travels, and considered himself as fully invested with the traveller's privilege as Bruce or Munchausen.

"At the commencement of the war, troops were marched from Virginia to the aid of Massachusetts. Amongst the militia destined for this service on one occasion, went Charles Colley, the hero of this story, who was the son of a poor planter in the

barren county of Louisa. Charles was an overgrown, gawky lad, entirely illiterate, who considered a march to Boston pretty much in the light of a journey to the other world. He performed his tour of duty as a soldier, in the company of Capt. Johnson, in the third Virginia regiment, commanded by Col. Tom Marshall.

"Before they marched they had a motto, worked upon their hunting-shirts—"Liberty or Death"—but Colley objected to it in his own case, and proposed an amendment. 'Liberty or Death,' he affirmed, 'was too blood-thirsty;'—so he desired his sister to mark his shirt differently, and insert 'Liberty or be Crippled.' In the course of his campaigns he was in the battles of Brandywine, Germantown and White Plains; and when the war was over he was one of but eleven of his original company who survived to return to their home in Louisa.

"On the evening after his return, his father collected his country neighbors to hear Charles talk about the wars and foreign parts, and to eat water-melons and drink cider.

"William Pope, then a lad of fifteen,"—continues Mr. Wirt,—"was an unbidden guest at this feast—a sly dog, with an eye for the ludicrous, a zest for humor, and a power of mimicry which I have never seen surpassed. More droll things have happened to this same William Pope, or in his presence, than to any other man with whom I was ever acquainted. His eye and his relish for the ludicrous were so quick and perpetually on the alert that nothing escaped him. He saw the joke afar off, and was often in convulsions of laughter, whilst others were gaping and wondering what the d—l was the matter.

"You are to imagine half a dozen country clowns, rather advanced in life, dressed in Osnaburg shirts and trowsers, with bare feet, assembled on the occasion. The father is spokesman to Charles, and intent upon his object—to draw him out.

"After spitting his tobacco juice out of one corner of his mouth and wiping his lips with his sleeve, he speaks in a drawling, snuffling voice:—

"Well, Charles, have you got nothing to tell your neighbors about your travels?"

"Why, father,"—says Charles, in the same tone,—"By blood! I saw so much, that I don't know whare to begin."

"Can't you tell how far you went to the North?"

"By blood, I went so far to the North, that the North Star was to the South!"

After a pause of wonder and exclamation amongst the company, the father asks,—"Did n't you larn no songs at camp?"

"O yes,—a heap."

"Well, can't you give us one?"

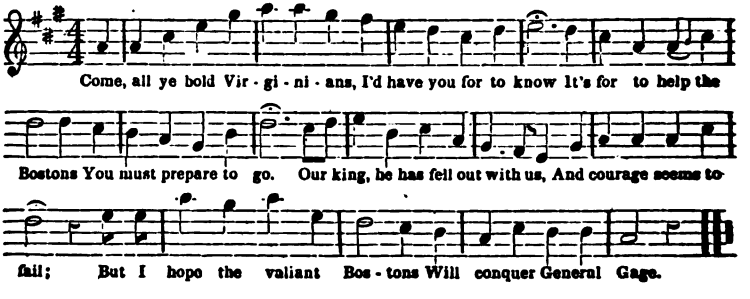
"I've got such a cold, father, that I hardly think I can sing." Here Charles tries to get up a cough.

"Well, anyhow, only try. We're all friends here."

The company all join in, and cry out, "Come on, Charley, try it."

"Well," says Charles, "I 'll try it, to 'bleege you, just to shew a willing mind."

Upon this, Charles gets up and leans his head against the arch over the fire-place, as if in meditation. Then, after a few preparatory coughs, he begins his song,—throwing his head back, and singing low and slow, and very much through the nose. At the end of every verse, he drops his head and shakes it, with solemn emphasis, by way of increasing the effect. The song runs thus:


Come, all ye bold Vir - gi - ni - ans, I'd have you for to know It's for to help the
Bostons You must prepare to go. Our king, he has fell out with us, And courage seems to
fail; But I hope the valiant Bos - tons Will conquer General Gage.

SECOND VERSE.

Do n't you remember the Israelites
That was from bondage freed?
It was the hand of Moses
That led them through the seas.
It was the hand of Moses,
And by the power of God;
Oh, do n't you remember the Israelites
That was from bondage freed?

THIRD VERSE.

The race is not unto the swift,
Nor the battle to the strong;
And I hope we'll meet the British
Before it's very long.
For if the bold Virginians
Gets the British among the trees,
The Virginians will kill the British
Like brimstone does the bees.

With this little narrative, which derived nearly every thing that could have made it acceptable, from the drollery and comic power of Mr. Pope, and which was no further worthy to be introduced here than as it serves to throw a light upon the bagatelle which follows, I give the letter.

TO WILLIAM POPE.

WASHINGTON, August 29, 1821.

MY DEARLY BELOVED BROTHER:

I have thought of you oftener and more tenderly this summer than for some time gone by, and sit down to tell you how this has happened.

In the first place, I have had more leisure to think of you, for I have been travelling. In the next place, I have been travelling in a direction full of associations of thought and feeling derived from you,—for I have been quite as far to the North, I suspect, as your hero Charles Colley ever was; though, I must confess, the North Star never appeared to the South.

As we passed through Trenton, I thought of your

"Christmas Day in Seventy Six,"

and that brought you with a group of hearty fellows from Richmond before my mind's eye,—and then, naturally enough, I thought again of "Departed Joys," which still more brought up your image to my side whenever I approached an interesting scene of the revolutionary war. At Princeton, where General

Mercer fell,—the tree was pointed out and is still preserved,—and there I saw the tears in your eyes. Then at Kingston, New Brunswick and New York, and in going up the North River, you were continually with me,—these same eyes of yours sparkling with triumph when gazing on Stoney Point as we passed, or flaming with indignation at Arnold's treason when the spot was shown us where the Vulture sloop of war was moored,—or bedewed with sympathy when the grave of the generous and accomplished André was indicated. Then came West Point, the subject of so much solicitude and bloody strife in the revolutionary war,—with the ruins of its two old forts, Clinton and Putnam, which stand like two old chroniclers of awful days long since gone by.

So far, however, you were only one of a party associated and grouped together in my recollection: but when, on returning from Lake George, we fell into the route of Burgoyne's invading army, you were, if not all alone, at least the lord of the ascendant. All that I could recollect of "Jack, the king's commander," I chaunted loud and merrily. O! thought I, if my dear Pope were but here to give it *all* to us, how much should *we* enjoy it, and how much would *he* enjoy these scenes!—

> "Then first he came to Canada, next to Ticonder*oga*.
> And leaving *those*, away he *goes*, straightway for Sara*toga*."

Well—*we* did *not* go to Canada—tho' we should have done so if Mrs. W. had not got home-sick, and anxious to contract the circuit of our excursion. To Ticonderoga we should have gone from the head of Lake George, if we could have got a safe boat. But "leaving *those* away *we went*, (O! what a falling off) straightway for Saratoga." We fell upon Burgoyne's track at Sandy-Hill, a beautiful little village on a high and most commanding site, at the point at which you will observe on your map, ascending from Albany, the North River bends at right angles to the west. Thence, going down the river, on the eastern bank, two miles and a half, and within half a mile of old fort Edward, we were shewn the spring at which the Indians who had charge of Miss McRae, stopped to drink when they were discovered and fired on by the whites; and the tree, on the root of which she was

found sitting. "She was found after the action was over," say the historians, "tomahawked and scalped and tied to the tree." There being a house near, I borrowed an axe and cut a chip out of that identical root, for you, which, with some other holy relics, I shall send you by the first opportunity. The tree is a flourishing pine *stump*, fifty feet high,—full of balls—the top twisted off by a storm. I wish I could have brought one of the Springs to you, too, for they are the very finest that ever I met with. At Fort Edward there is a little village—and while our horses were watering, I procured a revolutionary bullet or two which had been got out of the wall of the fort. We arrived at the village of Saratoga to dinner, the field on which Burgoyne laid down his arms being immediately before us, about half a mile,—now a beautiful piece of meadow land at the junction of Fish Creek with the North River, which you can also see on the map. I have some *relics*, also, from this field for you. You remember that Burgoyne was on his retreat, endeavoring to get back to Fort Edward and thence into Canada, when, finding his further retreat cut off, he surrendered on this plain:—so in following his track *down*, we came to the field of surrender before we came to the battle ground, where he had, for the first time, become convinced of the erroneous estimate he had made of the American character.

Having walked over the field of surrender, and pulled some boughs from a tree near the spot at which Burgoyne's marquee was pitched, we moved down the river in the evening, and, about an hour by sun, came to the house in which the celebrated British General Frazier breathed his last. This house was the quarters of the German general, the Baron Reidesel; and, on the day on which Frazier was killed, the Baroness Reidesel (who, with two or three small children, had followed her husband into the war) was engaged in preparing dinner for Burgoyne, Philips, Frazier and Auckland, who were to dine on that day by invitation with her husband. The table had been already set out for dinner, when the action began, and after some time poor Frazier was brought in wounded, not to dine, but to die. The Baroness' letters have been published, in which she gives a most interesting account of all these particulars,—which you will find in Wilkinson's Memoirs; or you may read all that is affecting or touching

in regard to these incidents, collected by Mr. Silliman in his tour to Canada, which I will send you as soon as I can procure the book. The generous sensibility evinced by Frazier, after he knew that his wound was mortal, has given me much tenderness for his memory. The Baroness says he was continually apologizing to her for the trouble he was giving her, and that while sitting in the other room (there were but two and they were very small) she could hear his groans and exclamations—"O fatal ambition!"—"Poor General Burgoyne!"—"My poor wife!" He was killed, it seems, by one of Morgan's riflemen. Silliman says he had the anecdote from one Dick Brent, and Brent from Morgan himself. In the action of the 7th October, 1777, Frazier was the soul of the British army, and was just changing the disposition of a part of the troops, to repel a strong impression which the Americans had made and were still making on the British right, when Morgan calling together two or three of his best marksmen, and pointing to Frazier, said—"Do you see that gallant officer? that is General Frazier—I respect and honor him—but it is necessary he should die." This was enough,—Frazier was immediately carried from the field mortally wounded. But you will read it all in Wilkinson or Silliman.

Well, sir, as I was saying, we arrived at this same house at about an hour by sun; and as good fortune would have it, before we alighted another traveller rode up, having just returned from viewing the battle-field, accompanied by old Ezra Buel, who had been a guide to the American army in both the battles of the 19th September and the 7th October, and was with our troops 'till the surrender. He is now seventy-seven, and his usual gate of riding is twelve miles *per* hour, on a very hard riding horse. You will see honorable mention made of him by Silliman. Not at all fatigued with the excursion from which he had just returned, he wheeled about again, and accompanied us with the utmost alacrity. *Then* you should have been with me, my dear Pope—to walk over the fields which had been the theatre of such desperate strife—where the great cause of American liberty, too, was staked on the issue.

"And so"—thought I—"this is the field on which the famous battles of Stillwater were fought, four-and-forty years ago! How did these grounds swarm with armed men!" "Here Morgan

was posted"—said the old man, interrupting my meditations—"Here was Arnold, *then*, a patriot and an excellent soldier," &c. And so the old gentleman arranged the field and conjured up before my eyes the whole host. Then, he painted the battles, with great spirit—shewed by what accidents they had commenced on both occasions—and how they became general—depicted the struggles in particular parts of the field—and enabled me to imagine, at times, that I saw and heard all the tumult, agitation, shouting, thunder and fury, of a long and well contested field. Good Heavens—what a warming illusion!—*Morgan's eye of fire and bugle voice:*—Arnold's maniac and irresistible impetuosity—the rattling of musketry, the sharp cracking of the rifles, the deafening roar of artillery, the animating shout of the soldiery, the war-whoop of the Indians, the encouraging and applauding cries of the officers, the charge, the retreat, the rapid and regular evolution at one point, the disorderly movement at another, the headlong confusion, the groans of the dying, the cry for quarter, ghastly and bleeding wounds, the severed limbs, men and horses mingled on the plain in one wide scene of indiscriminate blood and carnage. Oh what an uproar then!—How still and quiet now!! Where are they all! "What is that your plough is turning up?" "Only a skeleton." "What, yet!—to this day!" "Even yet—our ploughs are constantly striking against cannon balls or dead men's bones, or turning up grape shot or bullets." "Then I *guess* the people were not idle on that day." "You may depend, friend, they were busy." "I believe it—but I have a friend in Virginia who would be glad to have some of the bullets that were fired in those great battles—battles that gave the first decided turn to the American Revolution." "To be sure; there is a ball, which has been rolling about the yard for some time; you shall have the bullets too; and you, John, go up in the loft and bring down that skull." "Thank you: excuse me from the skull—it will not be convenient to carry it—but the ball and the bullets I will gladly take." And so I did.

We went to several other houses which have been all built since; for it was then entirely wood, except Freeman's farm, which you will see mentioned in the books; and at all these houses bullets and bones were offered,—even the little children handling and offering the human bones, with as total an absence

from all emotion as if they were chicken's bones, or dry sticks. Having examined the battle-grounds of both days, and walked, listened to my guide, and sighed 'till my heart was full and heavy, I returned to my quarters and slept, very little to my honor, without dreaming, for I was too much fatigued to sleep fancifully. The next morning I took another ride with old Ezra, to see the American encampment, and, above all, Gates' head-quarters. The house is still standing. It is a small, red, hip-roofed, one-storied old house that has quite a revolutionary look. "And here," the old man said, "the General remained during both the battles;" which were fought, at least, a mile from this house, and certainly out of sight. "This," the old guide said, "he was told, was right,—as it was the General's business to be at one place always, to receive information and give orders." Yet the old fellow's look had a glimpse of passing cunning as much as to say, "A bad excuse is better than none." I could not help thinking, myself, that it was not exactly in the style of Napoleon. But what do you think of these armies resting here, in the opposite encampments, their sentinels within hail of each other, for seven days, without striking a blow, and, at last, the first action, that of the 19th September, 1777, being brought on by an accident? Gates had a good motive for the delay,—for his army was continually gathering strength; but that Burgoyne, in the spirit of proud and contemptuous invasion,—with such an army and so appointed,—should have sat down so quietly and so foolishly, while his enemies were hourly increasing in strength, satisfies me that he was no Bonaparte. He ought to have pushed undauntedly forward, or to have retired while yet he could. His remaining on the ground was the very worst thing he could have done. But there is a fashion in war, as in every thing else. The Bonaparte style of daring was not the order of that day. But enough of this way of judging men *a posteriori*. At their time of day, and in their place, we might have done the same or worse. Poor Gates! this was his first and last field of glory! What a triumphant opening of his military career in America! What a reverse was he doomed to experience in one short year! And for poor Burgoyne, it was his last and dying speech, as a soldier. So that, both to victor and to vanquished, it was the prelude only to misfortune. Such is the passing glory of this world!

Now as to Burgoyne, pray, my dear brother Pope, did you ever read the sentimental comedy of "The Heiress;" or "The Maid of the Oaks;" or did you ever hear the tender and elegant songs of "Anna's Urn," or "For tenderness formed?" These were written by Burgoyne; and although our printers, our revolutionary officers in their letters, and our song inditers of that day, used to charge him with bombast, I do think that he was one of the most classical and elegant writers which the English nation has produced. If Burgoyne had been born to the wealth of Byron, he would have pitched the poetic bar beyond him by many a league. War was not his proper element. While upon the fields of his battles and final surrender, and remembering the beautiful and pathetic effusions of genius to which I have alluded, I could not help pitying such a man, whose mistake of his own character had put him at the head of a band of merciless, tomahawking, scalping savages, and "damned Hessians, Hanoverians, Anspachers, Waldechers, and Wolfenbuttlers." If I have mistaken *your* arrangement of these harmonious names, pray put me right.

From these fields my mind followed these British prisoners to the barracks near Charlottesville; and then came the recollections of yours and Bullock's anecdotes of that place; the temporary theatre; the acting of plays by the British officers; Phil Gooch

* * * * * * *

What would I give, my dear Pope, to go again over these grounds with you,—to catch your feelings by rebound! Is it impossible?

* * * * * * *

By-the-bye, this is a pretty long letter. It is time to stop, and I am rather tired of writing. I began it about an hour before the close of the mail of this day, in the hope of having it ready; but interruption has now lost me the mail. However, you shall have the epistle "unhouseled, unanointed, and unaneled, with all its sins and blotches on its head." But remember that in this case you are the father confessor.

"The relics" will be addressed to the care of John Gamble. They have no value except from the associated sentiment you will give them, and perhaps the associated image of

Your friend,

WM. WIRT.

CHAPTER VIII.

1822—1823.

CONTRIBUTIONS TO THE EVANGELICAL AND LITERARY MAGAZINE.—HINTS TO PREACHERS, ETC.—LETTER TO THE REV. JOHN H. RICE.—SEVERE PROFESSIONAL LABOR.—SICKNESS.—DEATH OF MR. PINKNEY.—LETTER TO GILMER.—NOTICE OF PINKNEY.—ENLARGES HIS MARYLAND PRACTICE.—PLAYFUL LETTERS TO HIS DAUGHTERS.—VERSES FOR THE MAY DAY QUEEN.—CORRESPONDENCE.—BEDFORD SPRINGS.—OCCUPATIONS IN BALTIMORE.—MODERATION OF POLITICAL OPINIONS.—LETTER TO THE PRESIDENT, RECOMMENDING THE APPOINTMENT OF CHANCELLOR KENT TO THE SUPREME COURT.

Mr. Rice, well known as an eminent preacher in the Presbyterian church, and the editor of the Evangelical and Literary Magazine, which was published at Richmond, was an intimate friend of Mr. Wirt and his family before they removed to Washington. At the solicitation of this gentleman, Mr. Wirt had written a few articles for the Magazine. An essay entitled "Hints to Preachers," was followed by another—"Hints to Hearers"—both of which had been published during the last year, and had attracted something more than ordinary notice from the readers of the Miscellany. These essays, as one may conjecture from the titles, were of a grave and religious cast. They were written in a tone of severe criticism, with a view to correct some prevailing faults both of the orator of the pulpit and of his hearers, and were published without acknowledgement of the authorship, and, indeed, without any direct communication, upon that point, to the editor himself. The object of the writer was to convey the impression that these were the productions of one of the clergy; supposing that, under such a title, they would be likely to receive a more authentic welcome from those to whom they were addressed, than if they should be known to come from the pen of a layman. The success of these essays made the editor anxious to obtain further contributions from his friend, and several letters passed between them in reference to this object. I

select one from this correspondence, chiefly for the evidence it supplies of the distaste with which the Attorney General still regarded the employments of public life and the pleasure with which his mind recurred to literary subjects:

TO THE REV. JOHN H. RICE.

WASHINGTON, February 1, 1822.

MY DEAR SIR:

Your letter of the 30th ult., was received this evening, just as I returned from the President's. I feel the blush of genuine shame at the apparent presumption of adding my name, in favor of your Magazine, to that of the eminent gentlemen of Princeton.* This is real and unaffected: but you desire it, and I dare follow your beck in any direction. Would that I could, in one still more important!

* * * * * * *

If you suppose from what I said of nine o'clock, that that is my hour of going to bed on week-day nights, you are mistaken by several hours. For some time past, I have been obliged to be in my office before breakfast and till nine or ten at night, when I come home, take my tea, talk over family affairs, and get to bed between eleven and twelve. But it is killing me; and as death would be most extremely inconvenient to me, in more respects than one, at this time, I shall quit that course of operations and look a little to my health, if I can survive the approaching Supreme Court. *Sed quere de hoc.*

My troubles not being already enough, in the estimation of the honorable body now assembled in the Capitol, they are beginning to institute inquiries, for my better amusement, into the circumstances of three fees paid me by the government in the course of the four years that I have been here, for professional services foreign to my official duties,—a thing which has been continually done, at all times, under this government. They affect to think it a new affair entirely, and only an additional proof, amongst ten thousand others, of a waste of public money by the rapacity, if not peculation, of those in office. I am sick of public life. My

* Mr. Rice had asked him to unite in a recommendation of this work with Doctors Miller, Green and Alexander, of the College at Princeton.

skin is too thin for the business. A politician should have the hide of a rhinoceros, to bear the thrusts of the folly, ignorance and meanness of those who are disposed to mount into momentary consequence by questioning *their betters*—if I may be excused the expression after professing my modesty.

"There's nought but care on every hand,"

—all, all is vanity and vexation of spirit, except religion, friendship and literature.

* * * * * * *

I do sincerely wish it were in my power to mount the aforesaid "gay streamer and long tom," on your gallant little bark.* I will try in the spring and summer to contribute a stripe or two, and a blank cartridge or so. But I shall not tell you, when I do it, that it is mine; for it is proper you should have it in your power to say truly, "I do not know who it is."

I have already got credit for much that I never wrote, and much that I never said. The guessers have an uncommon propensity to attribute all galling personalities to me, all sketches of character that touch the quick and make some readers wince. I have, in truth, in times gone by, been a little wanton and imprudent in this particular, and I deserve to smart a little in my turn. But I never wrote a line wickedly or maliciously. There is nothing in the Spy that deserves this imputation, and nothing in the Old Bachelor, which, give me leave to tell you, "*venia detur verbo*," you and your Magazine, and your writer, ** have underrated. There is a juster criticism of it in the Analectic Magazine; but this writer, too, has not true taste nor sensibility. He accuses me of extravagance only because he never felt, himself, the rapture of inspiration. And you accuse me of redundant figure, because you are not much troubled yourself with the throes of imagination;—just as H—— abuses eloquence because there is no chord in his heart which responds to its notes. So take that. And if you abuse me any more, I will belabor your Magazine as one of the heaviest, dullest, most drab-colored periodicals extant in those degenerate days. What! shall a Conestoga wagon-horse find fault with a courser of the sun, because he sometimes runs

* An allusion to the request to contribute an occasional article for the Magazine.

away with the chariot of day, and sets the world on fire? So take that again, and put it in your pocket. But enough of this badinage, for if I pursue it much farther you will think me serious;—besides it is verging to eleven, and the fire has gone down. I began this scrawl a little after five—walked for health till dark—came in and found company who remained until near ten—and could not go to bed without a little more talk with you. But I shall tire you and catch cold. So with our united love to Mrs. R., my dear H——, and yourself, good night.

Your friend, in truth,

WM. WIRT.

The term of the Supreme Court, which had now commenced, was one of severe labor to the Attorney General. His constitution was visibly beginning to give way under the excessive toils of his profession. The close of the session found him an invalid, greatly debilitated by a sharp attack of fever, which had been brought on by a too assiduous and prolonged study. This term was marked by another event which interested the whole nation,—the death of Mr. Pinkney. This eminent lawyer, whose fame is inseparably connected with that great tribunal of the nation, died on the 25th of February, 1822. His illness is said to have been produced by intense and unremitted study in a case then before the Court, and in the argument of which he had overtaxed his strength. An inflammation of the brain was the consequence which came to a fatal termination in little more than a week; thus extinguishing one of the brightest lights of American jurisprudence, and depriving the profession of one whose name alone had a power to awaken the emulation of every aspirant to the honors of forensic renown.

The following letter of the Attorney General refers to this event, whilst it speaks also of his own feeble condition.

TO FRANCIS W. GILMER.

WASHINGTON, May 9, 1822.

MY DEAR FRANCIS:

I thank you for your letter of the first, which I should have answered sooner, but that I am yet limited in my indulgence in

this way. I keep my mind void of care,—read novels, ride, walk, play at battledore, and take as much exercise as I can bear, avoiding physic as much as possible. I am improving fast by this discipline. Tazewell, and Webster, meantime, have been reaping laurels in the Supreme Court, and I have been—sighing. North of the Potomac, I believe to a man, they yield the palm to Webster: South to Tazewell. So, you see, there is *section* in every thing. Time will put all these matters right.

Poor Pinkney! He died opportunely for his fame. It could not have risen higher.

* * * * * * *

He was a great man. On a set occasion, the greatest, I think, at our bar. I never heard Emmett nor Wells, and, therefore, I do not say the American bar. He was an excellent lawyer; had very great force of mind, great compass, nice discrimination, strong and accurate judgment: and, for copiousness and beauty of diction, was unrivalled. He is a real loss to the bar. No man dared to grapple with him without the most perfect preparation, and the full possession of all his strength. Thus he kept the bar on the alert and every horse with his traces tight. It will be useful to remember him, and, in every case, to imagine him the adversary with whom we have to cope. But, I assure you, I do not enjoy more rest because that comet has set. There was a pleasurable excitement in wrestling with him on full preparation. In my two last encounters with him I was well satisfied, and should never have been otherwise when entirely ready. To draw his supremacy into question, any where, was honor enough for ambition as moderate as mine.

Poor Pinkney!—After all, how long will he be remembered? He has left no monument of his genius behind him, and posterity will, therefore, know nothing of such a man but by the report of others. What should we have known of Hortensius, but for Cicero?

* * * * * * *

With respect to Baltimore—it would amuse you to hear the contradictory counsels I receive on this subject. The newspapers and public rumor have committed me for immediate resignation and removal thither. I have as yet decided on nothing but that I will, without resigning, attend the courts in Baltimore and

Annapolis, this spring and summer, and decide on that experiment.

* * * * * * *

I believe your picture of Virginia is faithfully drawn; and yet I cannot tell you how much I suffer in feeling, from withdrawing my family and children from the beloved Old Dominion. I think I shall send my sons back, if I shall be able to settle them there to any advantage. But enough of this—it is time for me to take my exercise.

Yours affectionately,

WM. WIRT.

In accordance with the resolution expressed in this letter, Mr. Wirt prepared for a now enlarged practice in the courts of Maryland, and became, from this date, a regular attendant upon the terms in Baltimore, as well as of the Court of Appeals in Annapolis. He also, at this time, partly with a view to the recreation of the journey, accepted an engagement to try some causes in the upper district of the State of Maryland, and spent a few days for that purpose in Hagerstown, whither he journeyed chiefly on horseback. These occupations served to restore his physical vigor and to increase the cheerful tone of his spirits, as we shall see in the badinage of the following letters.

In presenting these little fragments of a family correspondence, I am enabled to furnish the reader a pleasant evidence of the character of the intercourse which the Attorney General was accustomed to hold with his children. It was a most amiable feature in his system of domestic education, that he sought to win their confidence by an intimate association and sympathy with them, even in the most trivial concerns which occupied their thoughts. He mingled in their amusements, gravely deliberated with them in whatsoever scheme seized upon their fancy, and availed himself of all suitable occasions to insinuate his counsels in the most agreeable forms.

Some important matters are here discussed.

TO LAURA H. WIRT.

BALTIMORE, April 18, 1822.

MY DEAR CHILD:

You wrote me a dutiful letter, equally honorable to your head and heart, for which I thank you, and when I grow to be a light-hearted, light-headed, happy, thoughtless young girl, I will give you a *quid pro quo*. As it is, you must take such a letter as a man of sense can write, although it has been remarked that the more sensible the man, the more dull his letter. Don't ask me, by whom remarked, or I shall refer you, with Jenkinson, in the Vicar of Wakefield, to Sanconiathon, Manetho and Berosus.

This puts me in mind of the card of impressions from the pencil seals, which I intended to enclose last mail, for you, to your mother, but forgot. Lo! they are here. These are the best I can find in Baltimore. I have marked them according to my taste. But exercise your own *exclusively*, and choose for yourself, if either of them please you.

Shall I bring you a Spanish guitar, of Gilles' choosing? Can you be certain that you will stick to it? And some music for the Spanish guitar? What say you?

There are three necklaces that tempt me,—a beautiful mock emerald, a still *more* beautiful mock ruby with pearl, and a still *most* beautiful of real topaz:—what say you?

Will you have either of the scarfs described to your mother, and which—the blue or lilac? They are very fashionable and beautiful. Any of the wreaths or flowers? Consult your dear mother:—always consult her, always respect her. This is the only way to make yourself respectable and lovely. God bless you and make you happy.

Your affectionate father,

WM. WIRT.

TO THE SAME.

BALTIMORE, April 19, 1822.

MY DEAR LAURA:

I have thought fifty times, more or less, of what I always forget when I write to you, (in which there can be no doubt, I take after

you,) and of which I have just been reminded by doing the act itself (that is, writing): I, therefore, sit down, by way of making sure work of it while the matter is fresh in my mind—(in which, there can be as little doubt, I do not take after you) to tell you what it is. And it is nothing more nor less than this:—that the first thing upon this terraqueous globe, composed, as it is, of earth and water—(otherwise, what I am about to say had not been so true), is to absterge and purify the *pericranium*, (which, being rendered, signifieth the external skin or integument which surroundeth the head—(*peri* being the Greek for "*round about*," and *cranium* being the generic name for all the bones of the head (whereupon on closer consideration, I am not very clear whether the pericranium be not the *inner* skin which forms the immediate integument of the bones aforesaid)—but why should I remain in doubt? Vide Walker—(my way you know) "*Pericranium*: the membrane that covers the skull." That covers the skull? how?—within or without? I suppose the whole skin of the head, including both its inner and outer surface, muscles, blood vessels, &c. However, I mean the skin of the head in *popular parlance*)—and what I want to tell you, and what I will tell you is, if ever I can get out of this scrape of quadrupically involved parenthesis within parenthesis (—but as to settling the account among them, and getting out arithmetically, grammatically and scientifically,—not to say algebraically, cabalistically, theseically and ariadnically, (meaning, by a clue) I despair of any such escape from an ambuscade so desperate. So, not being able to untie the Gordian knot, I shall cut it:—*aut inveniam, aut faciam*, as Alexander, *or somebody else* said, on a parallel occasion, *perhaps* the very Gordian occasion aforesaid) that to lustrate as well as to give lustre (so note the distinction) to the hair, the best thing is —— whiskey—pure, uncolored, white whiskey;—"*experto crede Roberto*," (as old Robert Burton is in the humorous habit of saying, in that most facetious of all books, his "Anatomy of Melancholy.") You cannot conceive the virtue and power of this liquid thus applied! The Alps and Pyrenees, nay, dandruff, and all sorts of cutaneous impurities sink before it. It gives a most delightful glow to the whole head, opens all the pores and suffers them to breathe freely. And then, it gives such a gloss to the hair! such a splendid and radiant brightness, such a tendency to throw itself into rich and graceful curls!—to

say nothing of the fragrance that it breathes around. Venus, when she met her son in the woods near Carthage, and when, in spite of her teeth, *patuit dea*, her hair was a trifle compared to it.

> "Dixit: et avertens, rosea cervice refulsit,
> *Ambrosiæque comæ divinum vertice odorem*
> *Spiravere.*"

She had, no doubt, washed her hair with whiskey, that morning. You will hear it crackling around your head like electric sparks flying off: though this is nothing more than the breaking of the saponaceous bubbles, formed by the chemical combination of the whiskey with the oleaginous exudation of the hair, (which process it is not, at this time *altogether convenient* to explain.) But, Laura, seriously and gravely, and all jesting, extravagance, eccentricity and hyperbole apart, immediately on the receipt of this, do send out for a quart of pure, uncolored whiskey: wash the skin of your head all over, and the back of your neck with it, *every morning; let it touch every part of the skin, and wet all your hair.* Try it for one week, *every morning*, and then, afterwards, at least *twice or thrice a week*, and I will give you one of the prettiest little trinkets, *pour le doigt*, when I come home, that you ever saw. Will you do this deed for me, or will you not? Observe, the thing is to be done *thoroughly*, or not at all. Let me hear from you on this fertile theme by the mail of to-morrow. And so having, *paucis verbis*, given you this *morceau* of precious counsel, I lay down my pen till I see what the mail will bring, and wish you, my dear child, *bon soir.*

Your affectionate father,

WM. WIRT.

In a May-day festival in Washington, his daughter was assigned the part of the May Queen. The next letter contains a grave effort at preparation for this weighty affair, and some earnest admonition.

TO MRS. WIRT.

BALTIMORE, April 29, 1822.

* * * * * *

Tell E. that the stage, yesterday, was too full of talk for poetry. But I have hitched together a few lines for her this morning, which I send, and which she must not recite like a school girl—but like the lady who spoke Collins' Ode to the Passions. There must be no foolish tremor, nor giggling, but grave and steady-voiced feeling and distinct enunciation—with which it will have a fine effect and do her credit. Otherwise the attempt will be a failure.

Friends, comrades, sisters—thanks to all! (*Bowing.*)
I feel the honor of this call. (*Right hand on the heart.*)
Ne'er will my heart forget the day
Your kindness made me Queen of May. { *Slow and feelingly.*
Daughters of Spring!* May all *your* hours
Be bright and gay as these sweet flowers. (*Pointing gracefully to the crown.*)

Long, long may such your pathway strew! { *Waving the right hand slowly off to the right, as if dropping flowers from it.*
And oh!—may they be thornless, too.

Now, for our country, one short prayer;
Our country, Heaven's peculiar care! (*Looking up.*)
No other crown may this dear land e'er know,
But such as grace the maid's and patriot victor's brow!!!

N. B.—The two last lines are to be pronounced, with both hands gracefully folded on the bosom, the eyes raised towards Heaven, and kept fixed on it, and the voice swelled with energy—the body stooping a little gracefully forward—words slow.

* * * * * *

W. W.

Doubtless, these minute directions being implicitly followed produced the desired effect.

(* *Daughters of Spring, are the girls. The hands and arms must be thrown kindly open while addressing them.*)

TO LAURA H. WIRT.

BALTIMORE, April 30, 1822.

I thank you, my dear Laura, for your note of yesterday. I can't come down to-morrow. The Federal Court meets, and it is harvest time. But as I am new in the field, and may not be permitted to reap where I have not sown, I must be content with the privilege of gleaning.

"The lovely young Lavinia once had friends."

—How much I am like her!

"Come down to-morrow"—quoth 'a? Would that I could, to bless all the children. By-the-bye, if G. did not deliver my letters, Lizzy will be without her May Queen address. Whereupon, I think (for it just strikes me) that I will send a duplicate in this; and although she may not receive it in time to commit it to memory, she can hide it in her handkerchief and read it slily, as the President does his inauguration speeches. Mr. Madison used to hide his in the crown of his hat, and read it slily there.

I wonder if our dear C's are with you? It is almost too good to think of. Poor me!

"Hard is my fate"—*seu potius*—

"Full sad is my heart when I view the black ruins
Where once stood the cottage of Ellen O'Moore."—

—Or words to that effect. But I am working for you all, and this consoles me, and even gilds the pill of absence—I was very near saying, *consoles* the pill of absence. So much for figures! Don't sigh—I don't mean *arithmetical* figures.

* * * * * *

Tell your aunt that in a long walk this evening I passed by Glendy's church, which put me in mind of Old Staunton, and "the days that are gone, to return no more"—alas, and wo is me!

"But what's the use of sighing
When time," &c.

Tell your dear mother that it is four minutes past nine, and consequently bed time; and as she is two letters in my debt, I

cannot find it in my heart, to heap coals of fire on her head, &c. &c. So love to her and all the children.

Your affectionate father,

WM. WIRT.

TO LAURA H. WIRT.

WASHINGTON, July 15, 1822.

MY DEAR LAURA:

I am much obliged to you for my part of the entertainment furnished by your letters, and I am just going to make some return for it.

I have been to Annapolis, to West River, to Baltimore, and came home yesterday, at one o'clock, where I found all well but Robert, who, however, says that he is well enough, he thinks, to commence his journey to Virginia.

* * * * * * *

What you call my *short*, *dry* and *sententious* and *brief*, *pithy* and *oracular*, letter, *puts me in mind* of a salutation of Mr. T's, the senator, which I have heard rehearsed since I left home. You know with what frightful impetuosity he talks,—like the windlass of a well that had broken loose, just as the full bucket has reached the top, and goes thundering down again—which, I must confess, is a figure of Doctor Jack Foushee's, applied to Sheffey. He was saluting a lady, an old acquaintance:—"Why bless me, Madam, what is the matter? You used to be *round*, *plump*, and *jolly*, and now you are *lean*, *lank*, *thin*, *flabby*, and *emaciated*." You must run over these words as hard as you can lay legs to the ground, to have any idea of them. They are well rehearsed by J. B., the senator, who heard the salutation. And this puts me in mind of another story (don't it put you in mind of *two*?) that I heard while I was gone. It is an instance of broken figure, or rather figures, or ratherer a compound fracture of figures, or ratherest a *chaos* of them, exhibited in a speech made by one of my brother lawyers at Baltimore, not long since:—"This man, gentlemen of the jury, walks into court like a motionless statue, with the cloak of hypocrisy in his mouth, and is attempting to screw three large oak trees out of my client's pocket." And this puts me in mind of several others, which I shall reserve for a future occasion.

The first of them (T's salutation) *puts me in mind* of your aunt N., by what association of ideas I leave her to divine. How is her health? Any chance of the round, plump and jolly—or has she kept bad company so long that she is doomed forever to remain lean, lank, thin, &c.?

Your mother sends you two Russian letters which came to hand on Saturday. One of them was opened by Miss M——'s request. Why, her letter, also sent, will explain. As she expected, part of her letter was found in yours. M—— having exchanged a sheet (not a shot) between you.

I send you a song called "They 're a' Noddin," with which, it is said, all Edinburgh is echoing; also, one of the glees sung at the Anacreontic club in Baltimore,—and some other songs,—*inter alia*, the rival airs of Baltimore to the serenade in the Pirate.

I have received a letter from Col. L., containing the expression of his daughter's thanks for yours, which I enclosed to him, and I think she promises to write. The old Colonel is, as usual, in a great quandary about money matters—sad and merry, and melancholy and droll, in the same sentence. They have stopped his pay at the treasury office; he says, "I must address a prayer to Jupiter to change my family into chameleons."

* * * * * * *

I thought I had a great deal to say to you, but the truth is I find I have nothing to say. If I tell you about Annapolis, and West River, and all that, what will you care? Even if I were to describe Miss Mercer's beautiful seat, with the Chesapeake Bay on one side; the ships in motion in all directions, and some at anchor within a few hundred yards of the house; on the other side, a most elegant park, filled with fine, fat, beautiful, "round, plump and jolly" fallow deer, lying down in the shade, or bounding and browsing through the wood; the house, itself, beautifully adapted, by the structure and arrangement of its rooms, to so picturesque a scene—and the mistress of the house not inferior to any of Scott's heroines—what would you care for it all?

Perhaps, if I were also to tell you that this same Miss Mercer assured me that she had been making a historical collection from all the books that she could find or hear of, touching Sir William Wallace—that Miss Porter had entirely mistaken his character, and that she, Miss Mercer, was half inclined to give her battle

on this theme (which, by-the-bye, she is very able to do) you would think it more to the purpose.

Then again, if I were also to tell you that the house at which I went to visit,—Mrs. Thomas', (an aunt of Henry Murray's)—is one of the first houses built in Maryland;—that there is, among other ancient archives, there, a receipt for repairs done on the house in the year 1645; that the library, which is a separate house in the yard, is so old that the cypress shingles with which it was covered on one side of the roof, have assumed the appearance of old corn stocks, from the mere washings of the rains; that in the library, which is a large one, there is not a book that has been printed since the reign of Charles II., and that the collection is the most learned and curious that I have ever beheld; that there is a row of huge cedar trees, so old that all the hearts and bodies are rotted away, and that, from mere age, nothing remains but the bark, which carries up the sap;—with a thousand other antiquities;—and that this estate has always remained in the same family from the first establishment of the colony; and that there is now a very pretty girl, there, about eighteen, as strongly addicted to genealogy as old McQueen, in the Children of the Abbey, who has formed a fine genealogical tree, which traces up the family (the Murrays) to the Duke of Athol, and his son the Marquis of Tullibardine. What would you say then? "What's Hecuba to me?"—very true—and as for me, I am exceedingly sleepy. So good night.

Your affectionate father,

WM. WIRT.

TO JUDGE CARR.

BEDFORD, PA., August 10, 1822.

I plead guilty, my dear Chevalier,—but "*bonus aliquando dormitat Homerus*," you know. As to the matron's bones, God rest them! Did you ever see a bee in a tar-barrel? Or, if you never did, did you ever hear tell of one, &c., &c., according to Sterne's case of the white bear?

My wife stood the fatigue of nursing like a good Christian, and an affectionate and devoted help-mate,—for which may the Lord bless her both here and hereafter! She missed you most sensibly,

when you had to leave us, and felt, as she should, the kindness of your coming. But enough of this. We rejoice that you are safe at home,—your happy, happy home; and may God bless you all!

We have been here a fortnight yesterday, and, as at present advised, propose to strike our tents on Wednesday next. I think we shall go by the Shanondale Springs: would that we could meet you there! There is, in my opinion, and judging by its effects on myself, little, if any difference between that water and this; and the difference, if there be any in favor of this place, would be more than counterbalanced, even in the article of health, by the superior enjoyment of the heart and mind, and the consequent edulcoration of the spirits, which I should derive from spending a fortnight with you. Pray, can you not run down and meet us, and spare me a few days? I think we shall get to Shanondale about this day week. Meet us, at all events, with a letter; and meet us, in person, if you can. For as I advance towards old age, and the time of my final separation from Virginia draws nigh, my affections cling with more anxious and jealous tenacity to every body and everything that have been endeared to me in that State. There are persons and things and scenes in old Virginia of whom and which I cannot think, in connection with the thought of a final separation, without feelings that overcome my manhood. I feel as if the game of life were up with me,—as if everything like the joy of the heart had perished. I feel a cold chill at the thought of going among comparative strangers. There are few, I fear, there, that love me, out of my own family: but there is, at least, one—H. T., a native of England, who came to this country in early youth, and was intimate with Colonel Gamble's family from that time to this. He is a warm-hearted, amiable, most excellent man, and is, I believe, sincerely attached to me. But even he is not a lawyer, never attended the courts of Fluvanna with me, could never recite Gray's bard,—did not grow up with me in the communication of the same professional hopes, fears, triumphs and disappointments; in short, had not intermingled and intertwined all the shoots, vines, tendrils of reciprocal affection and feeling for more than a quarter of a century, until we were in a measure almost incorporated and identified, and a separation becomes not merely a disengagement of branches, but a riving of the trunk, and a splitting open of the heart.

Now, on the reverse, (for what is the use of brooding only over melancholy views,)—I go to Baltimore,—devote myself to my profession,—study law and eloquence over again,—try experiments,—get fame,—establish my family in independence,—visit my friends in Virginia once every year, and, in the meantime, correspond with them continually,—and, in due time, die distinguished, respected, and sincerely mourned, by a few,—perhaps find time to leave something that may survive, so as to be able to say, with Horace, "Non *omnis* moriar."

This is cheering,—and with this I take my leave,—begging my love to your wife and children, to which Mrs. Wirt asks leave to add hers, and to include yourself.

"I am well,—so I 'll keep," if I can.

If this should find Coalter with you, give my love to him. And give it, at all events, to Henry Tucker. Where and how is poor Holmes? Pray remember me kindly to him.

God bless you!

Your friend ever,

WM. WIRT.

Another to his daughter.

TO CATHARINE WIRT.

BALTIMORE, November 24, 1822.

MY DEAR CATHARINE:

Yesterday morning I arose before day,—shaved and dressed by candle-light,—took my cane and walked to market. There are two market-houses, each of them about three or four times as long as ours in Washington. The first one I came to was the meat market; the next, which was nearest the basin, was the fish and vegetable market. O! what a quantity of superb beef, mutton, lamb, veal, and all sorts of fowls!—Hogsheads full of wild ducks, geese, pheasants, partridges; and then, on one side of the market-house, leaving only a narrow lane between them, a line of wagons and carts groaning under the loads of country productions; these wagons and carts on one side and the market-houses on the other forming a lane as long as from our house to St. John's Church. I must not forget to mention the loads of sweet cakes of

all sorts and fashions, that covered the outside tables of the market-houses, and the breakfasts that were cooking everywhere all around for the country people who come many miles to market.

You may conceive the vast quantity of provisions that must be brought to this market, when you are told that sixty thousand people draw their daily supplies from it,—which is more than twice as many people as there are in Washington, Georgetown, Alexandria and Richmond, all put together. Well, and so, after I had walked all round and round and through the market-house, I left it and bent my steps towards the country, and walked two miles and a-half out to Mr. Thompson's to breakfast. It had been cloudy and rainy for several days; but the night before had been clear, and although the road was still wet, the morning above head was bright and beautiful. After walking about a mile I came to the summit of a hill that overlooks the city, and there I stopped a moment to take breath and look back on it. The ground had begun to smoke from the warmth of the rising sun, and the city seemed to spread itself out below me to a vast extent—a huge dusky mass, to which there seemed no limit. But towering from above the fog was the Washington Monument (a single beautiful column 160 feet in height, which stands in Howard's Park, and is rendered indescribably striking and interesting from the touching solitude of the scene from which it lifts its head,) and several noble steeples of churches, interspersed throughout the west of the city, whose gilded summits were now glittering in the sun. Casting the eye over Baltimore, it lights upon the Chesapeake Bay, and, after wandering over that flood of waters, it rests on Fort McHenry and its star-spangled banner. This is the fort where our soldiers gained so much glory last war, and the very banner with regard to which Mr. Key's beautiful song of the "Star-spangled Banner" was written. After feasting my eye for some time on the rich, diversified and boundless landscape that lay before me, meditating on the future grandeur of this city and the rising glories of the nation, I turned around my face to resume my walk into the country, when all its soft beauties burst, by surprise, upon me. For while I had been looking back on the town, bay and fort, the sun had risen and was now so high that its light was pouring full upon hill and valley, field and forest, blazing in bright

reflection from all the eastern windows of the hundreds of country-houses that crowned the heights around me, and dancing on all the leaves that waved and wantoned in the morning breeze. No city in the world has a more beautiful country around it than Baltimore, in the direction of the west, north and east. In the direction of Washington it is unimproved; but in the other points all that could have been expected from wealth and fine taste has been accomplished. The grounds which were originally poor have been made rich; they lie very finely, not flat and tame, nor yet abrupt and rugged, but rising and falling in forms of endless diversity, sometimes soft and gentle, at others bold and commanding. This beautifully undulating surface has been improved with great taste, the fields richly covered with grass, the clumps of trees, groves and forests pruned of all dead limbs and all deformities, and flourishing in strong and healthy luxuriance. The sites for the houses are well selected,—always upon some eminence, embosomed amid beautiful trees, from which their white fronts peep out enchantingly; for the houses are all white, which adds much to the cheerfulness and grace of this unrivalled scenery. I hope, one of these days, to shew it to you in person, and then you will be able to imagine what a delightful ramble I had to Mr. Thompson's yesterday morning. I took them quite by surprise; but it was a most agreeable one, and they were rejoiced to see me. Mr. Thompson inquired most kindly after all in Washington,—and giving me a good country breakfast, (most delightful butter,) brought me back to town in his gig, where we arrived by nine o'clock, an hour before Court. Was not this an industrious morning?

* * * * * *

Your affectionate father,

WM. WIRT.

Turning from these scenes and incidents of domestic life to graver cares, I am able to furnish an agreeable exposition of the political sentiments which governed the Attorney General, in the discharge of his cabinet duties.

The reader will observe, in the following letter, with what prompt and responsive appreciation of high merit, Mr. Wirt sought the opportunity to promote the honor of the nation and to

render a just tribute to an eminent man, without regard to, and even in defiance of the political antagonism which party domination, even at that day, was too much accustomed to regard as an inseparable disqualification.

Upon the death of Judge Livingston, of the bench of the Supreme Court, in 1823, the President offered the appointment to Mr. Smith Thompson, then the Secretary of the Navy. This gentleman was very reluctant to accept the office, and for some time the question of the appointment was held in suspense. During this interval the name of Chancellor Kent was brought into view by his friends in New York, as one eminently worthy of the attention of the Government. The only objection that could be raised to this most distinguished jurist and most excellent man was, that he belonged to the Federal party; and the two great political divisions of the country had not yet fallen into a temper of conciliation sufficiently mild to allow this objection to be overlooked by the President, however personally well disposed he might be to break down a barrier which had hitherto excluded many of the best men of the nation from the public service. Mr. Wirt took a very decided stand in favor of the appointment, and wrote a strong letter to the President, urging upon him the importance of setting aside all party considerations upon this question. The subsequent reconsideration by Mr. Thompson of his refusal to accept the place, put an end to the discussion, and rendered it unnecessary for Mr. Monroe to make a decision upon the matter submitted to him by the Attorney General.

I present an extract from the letter referred to:

TO THE PRESIDENT OF THE UNITED STATES.

BALTIMORE, May 5, 1823.

DEAR SIR:

I received the day before yesterday the enclosed address from the New York bar, which was intended to pass through my hands to you.

* * * * * *

I sincerely wish Judge Thompson could see his interest in relieving you from this embarrassment by accepting the appointment. If he will not, can you make an appointment more acceptable to

the nation than that of Judge Kent? I know that one of the factions in New York would take it in high dudgeon at first. Probably, too, some of the most heated republicans and interested radicals who seize every topic for cavil, might, in every quarter of the Union, harp a little, for a time, on the same string. But Kent holds so lofty a stand every where for almost matchless intellect and learning, as well as for spotless purity and high-minded honor and patriotism, that I firmly believe the nation at large would approve and applaud the appointment. It would sustain itself and soon put down the petty cavils which might at first assail it.

The appointment of a judge of the Supreme Court is a national and not a local concern.

The importance of that court in the administration of the Federal Government, begins to be generally understood and acknowledged. The local irritations at some of their decisions in particular quarters (as in Virginia and Kentucky for instance) are greatly overbalanced by the general approbation with which those same decisions have been received throughout the Union. If there are a few exasperated portions of our people who would be for narrowing the sphere of action of that court and subduing its energies to gratify popular clamor, there is a far greater number of our countrymen who would wish to see it in the free and independent exercise of its constitutional powers, as the best means of preserving the Constitution itself. The Constitution is the public property of the United States. The people have a right to expect that the best means will be adopted to preserve it entire; which can be no otherwise ensured than by organizing each department under it, in such a manner as to enable it to perform its functions with the fullest effect. It is now seen on every hand, that the functions to be performed by the Supreme Court of the United States are among the most difficult and perilous which are to be performed under the Constitution. They demand the loftiest range of talents and learning and a soul of Roman purity and firmness. The questions which come before them frequently involve the fate of the Constitution, the happiness of the whole nation, and even its peace as it concerns other nations.

It is in this view of the subject I have said that the appointment of a judge of the Supreme Court is a *national* and not a *local* concern: and therefore, in making the appointment, I

think that instead of consulting the feelings of local factions, (whose *heat*, as Dean Swift says, is always in proportion to their *want of light*), and instead of consulting the little and narrow views of exasperated parties, a President of the United States should look to the good of *the whole country*, to *their great and permanent interests*, and not to the ephemeral whims and exacerbations of the day.

A *mediocre* appointment would be regarded as a sacrifice to the local factions in New York, or as a sacrifice to the contracted prejudices of the most contracted of our own party there and elsewhere. And I do verily believe that such an appointment to the bench of the Supreme Court, would occasion more mortification and disgust, and draw down on the President far more censure than could result from the appointment of Judge Kent. Every enlightened man in the country would censure such an appointment; and it would be a censure that would last, because it would be founded in reason. Irrational censures which result from blind prejudice soon perish in their own insignificance: but those which are dictated by truth and reason, are seldom got rid of. History lays hold upon them and deduces from them the character of the appointing power. If the appointment has looked, with a fearless eye, to the great and lasting interests of the nation, the attribute of magnanimity is stamped in imperishable characters on the appointer. If, on the contrary, an appointment to so high a place has been conferred on an inferior and comparatively insignificant character, through deference to local feelings and party prejudices, it fixes on the appointer a character of feeble, contracted and time-serving views, which will cleave to him on the page of history, long after the parties which gave rise to it have ceased to exist and have been forgotten.

The strongest features in your administration have been the boldness, the independence and magnanimity of your course,—the high minded and just confidence which that course has evinced in the virtue and wisdom of the people,—the doing the thing which, is right in itself, in the firm reliance that, whatever little transitory effervescences it may produce, the people will ultimately ratify and approve it. This is the true criterion of a genuine republican administration; and it will be conceded, among all candid men, to have marked yours in a pre-eminent degree. Will it be

in keeping with the other measures of your administration, to fill such an office as this with an inferior character, from deference to local and party feelings?

I am not so visionary as to suppose that the thing which is best in the abstract can, in the present state of parties, or perhaps in any state of them which we can hope for under our Government, be always safely and prudently done. I know that there must be some sacrifice to popular prejudices, even to enable the President to mitigate the rage of party itself. But the field of appointments is wide, and there is room enough for this sacrifice, without invading the bench of the Supreme Court. That bench should be set apart and consecrated to talent and virtue, without regard to the shades of political opinion by which its members may have been or may still be distinguished. If, indeed, a man were a violent, bitter and persecuting federal partisan, intolerant of opposite opinions, I would not place him there: for that is a cast of character which, whether he belonged to the one side or the other, would disqualify him for a seat there or any where else where judgment was to be coolly and impartially exercised. This, however, is not the character of Judge Kent. He may have been decided in his political character,—but I never heard that he was intolerant, or that there was any thing like littleness or persecution in his composition. His conversation and manners are indicative only of a simplicity almost infantile, and of the most perfect kindness and suavity of disposition;—and such I have understood, has always been his character. Judging by what I have seen of him, and by all that I have ever heard, he is as benignant and patriotic as he is admitted on all hands to be great and enlightened.

With regard to the great subject of state rights, which has produced so much excitement in Virginia and Kentucky, it happens that, if he has any leaning, it is rather in favor of state rights. This has been shown by his decisions in the steamboat cases, where he has uniformly upheld the state laws of New York against all the objections which could be raised of their repugnance to the Constitution and laws of the United States.

There is one other view of this subject with which I will trouble you. Federal politics are no ways dangerous on the bench of the Supreme Court while the federalists who may fill that bench are in their characters mild, virtuous, patriotic, and en-

lightened. There is no danger that that court will ever act over the scenes with which Bromley, Scroggs and Jefferies disgraced the English bench. The Supreme Court has no criminal jurisdiction at all, except what Congress chooses to give it, or to permit it to retain. And as long as Congress is in the hands of the people, there is a restraining power over the authority of that court which will always render it harmless to the country, even if it were viciously disposed and were not amenable to impeachment. In this view, I should have no fear of the politics of Judge Kent, even if they were of a stronger character than I believe them to be.

I admit that it is highly probable his appointment would, at first, produce considerable excitement: but it would be very short-lived. The very first opinion that he delivered on the bench would extinguish it, and prove that his appointment was in perfect harmony with all the great and bold measures of your administration. I have no doubt that it would, in the end, become unanimously popular, and redound equally to the honor of yourself and him.

I expressed these opinions to Mr. Calhoun two months ago, and he concurred in them. I mention this to guard against your admitting, for a moment, the thought that I have been urged to what I have written by the request of the New York bar.

This letter results purely from my affection for you and my solicitude that you should do, on every occasion, as you have all along done, what is most for your own honor and the good of the country.

With regard to New York, it is enough that you name a successor from that State: it would be going, I humbly think, too far not only to let her furnish the judge from her citizens, but to name the individual. Still worse would it be to permit, not the State, but a faction in that State, to name the individual, or in any manner to narrow the range of your choice.

I am sure you will excuse this long letter, knowing as you do the motives from which alone it can flow, and that you will believe me, as I have ever been,

Your devoted friend and servant,

WM. WIRT.

We change to gayer topics in the next letter.

TO WILLIAM POPE.

WASHINGTON, June 5, 1823.

MY EXCELLENT FRIEND:

Your letter of the first of May found me at Baltimore plunged up to the chin in law suits. I never like to write to you when my mind is pressed with business. I love to be at my ease that I may talk all imaginable nonsense with you, free from the reproaches of conscience that I am, in the meanwhile, neglecting serious business. Your letters are always most welcome to me; but of late years, since misfortunes have fallen on my friends in Virgina, and since my own destiny seems to have separated me forever from that beloved State, they are the music which Ossian describes—"The memory of joys that are past—pleasant and mournful to the soul."

When alone and unengaged with business, my mind finds a pensive pleasure in running back to scenes we have enjoyed together, and retracing every incident that afforded us so much light-hearted and innocent amusement. That same Rock Castle dinner shines conspicuous in this backward view. Do you remember what a fury our friend Davy got into with O'Reilly's horse, for running in among the corn?—"D——n the horse!"—"God forgive me," quoth Davy. And then—"I'll be *dab'd*:"—and the negro mimic at Saunders' store;—and the crossing the river at night to old Mead's,—not to say anything of the scene in the ferry boat,—when you surprised O'Reilly so much by rushing in along side of him on horseback.—"Oh! the days!" But among them all, that long trip at Powhatan court house, when we had up the case of Conrad Webb, and old Osbourne's will,—and used to retreat of evenings, and on Saturdays and Sundays, to the sweet shade and tranquillity of Montpelier. That was a charming time. Everything in the trip was delightful,—not excepting Daniel Call's head "waving like a flag on the turnpike." "But the days are gone." Oh! through what sad times have we lived, my dear Pope—what distressing reverses of fortune among our friends! * * * * We ourselves, too, have so certainly seen our best and brightest days, and have so little ahead to expect, that I feel continually disposed to cry out with the preacher—"all is vanity and vexation of spirit." And yet

you, my dear friend, are just as fresh and buoyant as if you were only seventeen, and had the whole fairy world of youthful imagination still before you. What a treasure is such a flourishing, such a perennial flow of ever living, ever sparkling spirits! Would that I could be near you to see if they are still to be caught by contagion! But it is extremely dubious whether I shall be able to come to Virginia this summer. I have turned into the practice of the law, might and main, as a refuge both from poverty and low spirits. As yet, I have no reason to complain of my success. It keeps me pretty closely engaged. I have been in Baltimore for five weeks, and in a few days shall go to Annapolis, where I shall probably be detained 'till some time in July. In the course of that month I may be required to attend an intermediate court at the Bowling Green, for the argument of a cause between Henry Lee, son of the General, and Mr. Stuart. The latter is my client. Should this take place, I shall, as at present advised, go on, after the argument is over, to Richmond, and will write you as to the precise time as soon as I know it myself. I need not tell you what sincere pleasure it would afford me to accompany you in your projected visit to Albemarle; but this is more happiness than I dare to hope for. Besides, on reflection,—almost all that we cared for in Albemarle are dead and gone, and to me it would be a visit to the tombs of departed friends. The present generation is almost entirely new to me.

This is a croaking letter, my dear Pope,—and I am really almost ashamed to send it. Do not infer from it that you would find me a melancholy companion. In company that pleases me I am as gay, *to all appearance*, as ever—and as well calculated to join in and provoke the laugh. It is only when in solitude I look back to things as they were, and compare them with things as they are, that the cold cloud comes over my heart—but enough and too much of this.

Pray continue to write to me. I wish we could have had one evening at Montpelier as I came down from Mr. Cabell's, but I would not have consented to your turning back—that was out of the question. I was desirous, however, of seeing and hearing you overflow once more in conversation, and convincing you that our separation had made no change in my feelings towards you. In truth, I wanted one of our old time's joyous, *uproarious* talks

with you. If I do come to Richmond I will go to see you, and I will carry up Major Clarke with me,—and you shall get Morris over,—and we will have, at least, one heavenly day. How is my dear Morris? He is one of those acquaintances it always gives me pleasure to think I have made in this mortal pilgrimage. His friendship is among the few bright spots in my retrospect. I take it for granted that you and he still continue to set your horses amicably together. Talking of horses—pray what has become of Morgan Rattler, of whom I think much more sentimentally than I do of Eclipse or Henry? Apropos—what became of your promised visit to Washington, last winter? I gave you the information you wanted, and it was such as I supposed was to ensure your coming on;—but I heard no more of it. I wish I had you with me on this trip to Annapolis. It is one of the prettiest places in the world—and we have both an agreeable court and bar. They are, in truth, merry dogs—love a joke to the core—and you would fit them to a T. And then, we would take the steamboat by Baltimore, home;—and Baltimore, let me tell you, is a place worth looking at;—the third city in the Union—with a more beautiful vicinage than any city in the world. And you have never seen Washington in summer apparel. You have never mounted those heights and looked down upon three cities at your feet. You have never seen the big Falls of Potomac—you have never inspected Fort Washington,—nor rolled on the bay in a steamboat. In short, I doubt exceedingly, if the trip would not afford you more interest than your sentimental journey to the Barracks—unless, indeed, you could have Bullock and Phil. Gooch along to act over again the farce of the shingle.

Pray who are those writers in the Enquirer—Pendleton and Wythe?—Ritchie is, I have always thought, as honorable and pure a fellow as any that treads on the soil of Virginia—and his opinions of men and things are as conscientiously formed as any man's—but he does not always see the whole ground—and he is both a little too prompt and a little too obstinate.

With regard to the presidential question, I have thought it most consistent with delicacy, as a member of the cabinet, to withhold the expression of any opinion the one way or the other. From my situation and the opportunities which it gives me of knowing the candidates, it is at least possible that more weight might be

attached to my opinions than they deserve; and, unless the country were in greater danger than I suppose, in this controversy I should not think it fair or proper to make use of any such factitious weight in favor of the one candidate or the other.

The President, from the same course of thinking and feeling, which applies, however, with increased force to him, has observed the most perfect neutrality; and I know no man better qualified to mark out the path of prudence to another. I *have* a preference, however;—and it is highly probable that we agree; though you have not said enough either to mark your own opinion, or to make this conjecture of our agreement a commitment on my side,—which, for the reasons already given, I had rather avoid at present. It is not impossible I may adopt a different course before the affair is over—and certainly will if my duty to our common country should seem to require it.

Mrs. Wirt and family are very thankful to you for your kind recollection of them. I need not tell you what a favorite you are with them all—nor how happy they as well as I would be to see you and yours.

I have written you here a very long, vapid letter, in the hope of drawing a very long and gay one from you. Pray write and tell me something of your professional goings on. Have you had no comical cases lately? Our love to Mrs. Pope and dear Lucy Ann—how are they? "Farewell awhile—I will not leave you long."

Your friend,

Wm. Wirt.

CHAPTER IX.

1824.

THE SUPREME COURT.—NEW YORK STEAMBOAT CASE.—EXTRACT OF A SPEECH IN REPLY TO EMMETT.—PRESIDENTIAL ELECTIONS.—CANDIDATES.—STATE OF PARTIES.—THE PRESIDENT AND CABINET ABSTAIN FROM INTERFERING IN THE CANVASS.—LETTERS TO CARR, MORRIS AND POPE.—LA FAYETTE'S RECEPTION AND PROGRESS.—ANECDOTE OF LORD STIRLING.—LETTER FROM GILMER IN ENGLAND.—SHAKSPEARE'S HOUSE.—DEATH OF ROBERT, THE ELDEST SON OF THE ATTORNEY GENERAL.

I COME now to notice, once more, the labors of the Attorney General in the Supreme Court. The reader has had frequent occasion to observe, in the course of these Memoirs, how rarely the duties of my task have led me to offer even a sketch of the proceedings of the courts in which Mr. Wirt was so constantly engaged. Apart from the consideration, that any attempt to present such proceedings, even in a general narrative of them, to the reader, would but lead to a most tedious and uninteresting enlargement of these volumes, I should find still greater motive to avoid it in the fact, that no memorials exist of these proceedings, and especially of the participation of the counsel in them, beyond the skeleton notes and memoranda which constitute the lawyer's brief, or the yet more imperfect outline which is found in the reporter's analysis of the points of law which may have been discussed.

The fame of the greatest lawyers, so far as it is built up in the active labors of the forum, rests proverbially upon a most slippery basis. No man has yet earned a reputation that has outlived the generation who witnessed his triumphs, upon the mere faith of a reporter's notes. We have an indistinct rumor, an imperfect tradition of the glories of an old forensic renown, in some remembered name of the last century. We turn to the reports to find some picture of that rich and glowing mind which is said to have wrought effects almost miraculous upon the auditors of the courts in the past time, and to have swayed the mul-

titude, in its day, with a command which none could resist. How "shrunken and wooden" do we find the carved image of that fame in these dusty crypts of the law! We look elsewhere in vain. The overlabored actor himself has had no time or no inclination to embody and preserve the brilliant thoughts or the learned reason which, in the utterance, so dazzled and charmed the hearers. The finer essences have fled—the dead skeleton only remains. Even in the life-time of the oracle, the new generation grows up around him,—hearing only some remembered notes of that sweet music, which, day by day, are growing less distinct, and whose last echoes fade, before the minstrel himself has sunk into the tomb. Such is the fame which has no better organ than the tongue,—

"A thing beyond us, e'en before our death."

Mr. Wirt's fate, in this respect, forms no exception to that of the mass of his profession. We have seen how laboriously he had toiled through the never-ending engagements of his position. He was at this period of his life employed in the greater number of the most important cases in the Supreme Court. He was also deeply immersed in the practice of the courts of Baltimore and Annapolis. His business seemed to be under a daily increase, until it now engrossed nearly every moment of his time, and, as we have already observed, seriously impaired his health. His family was large; his sons and daughters were fast advancing to that age when they were to be introduced upon the stage of active life; his expenses, of course, were enlarged; new comforts, new luxuries, new necessaries were to be provided. An abundant and profitable practice met all these new demands: but his gay castles in the air began to vanish, and many a gilded fancy which floated around the head of the ardent adventurer, from the days of his earlier manhood, now departed to that region of happy dreams, which has drawn its stores of gaudy relics from human credulity and hope ever since man deserted the realms of Paradise.

At this time a case of great importance, and which gained great celebrity, was about to be argued before the Supreme Court. It is well known to the profession as the Steamboat Case, from New York,—Gibbons against Ogden,—reported in

the ninth volume of Wheaton. Wirt and Webster were associated for the appellant, Gibbons. Oakley and Emmett were opposed to them. It is said by the bar, that no cause, up to that date, in the Supreme Court, had ever excited a greater degree of interest and expectation in the country than this: that none was ever argued with greater ability. The chief question in the case was—whether certain laws of New York, which conferred upon Messrs. Fulton and Livington the exclusive right to navigate the waters of that State with steamboats, were or were not in violation of the Constitution of the United States. Messrs. Wirt and Webster affirmed and sustained the unconstitutionality of these laws, with great power of argument, learning and illustration. Their opponents, with the zeal natural to the citizens of the great State which had granted the exclusive privilege, and with all the resources which the highest legal attainments and the most accomplished skill could supply, vindicated the laws in question. It is said to have been a most brilliant passage at arms in a forensic tourney. The New Yorkers were unsuccessful. The Court decided the case in favor of the appellants. Mr. Wirt's speech is preserved in the report. It was written out by himself, and is said to be "entirely conclusive." Still, however, it is not the actual speech itself,—though it embodies, perhaps fully enough, all the strong points. Those who have witnessed Mr. Wirt's oratorical efforts, will testify to the difficulty of ever furnishing an exact report, even by himself, of the finest passages in which his taste often led him to indulge. He was in the habit often of turning aside from the direct path of argument, to amuse himself and his hearers with an occasional gambol of wit or fancy, which came with most graceful playfulness to relieve the stress and weariness of mere dialectics. These digressions he could not report, or if he could, his taste or judgment would be apt to reject them as unsuitable to a grave exposition of his argument. All such passages were, therefore, apt to evaporate under his hand. In the case before us, there is one passage, however, which, as it had a particular point in reference to the adversary argument, has been preserved; and although not new to the professional reader, it will doubtless interest many who may peruse these Memoirs.

Before I proceed to lay this extract before my reader I must invite his attention to the following letter, which gives a short and pleasant note of preparation for the combat which was then in expectation:

TO JUDGE CARR.

WASHINGTON, February 1, 1824.

* * * * * * *

Calhoun advised me the other day to study less and trust more to genius; and I believe the advice is sound. He has certainly practised on his own precepts and has become, justly, a distinguished man. It may do very well in politics, where a proposition has only to be compared with general principles with which the politician is familiar. But a lawyer must understand the particular facts and questions which arise in his cause, before genius has any materials to work upon: and in that preparatory examination consists the labor of the profession. The official questions which are propounded to me, too, are all out of the usual walks of my profession, and call upon me to explore new paths, and frequently to chop out an original trace, with my own hands, through the wilderness. My opinion books are full of this labor and will save much trouble to my successor. If they were published they would do me more honor than any thing else I have ever done. This I *confess* is modest, but I am writing to a friend.

To-morrow begin my toils in the Supreme Court, and about to-morrow week will come on the great steamboat question from New York. Emmett and Oakley on one side, Webster and myself on the other. Come down and hear it. Emmett's whole soul is in the cause, and he will stretch all his powers. Oakley is said to be one of the first logicians of the age; as much a Phocion as Emmett is a Themistocles: and Webster is as ambitious as Cæsar. He will not be outdone by any man, if it is within the compass of his power to avoid it. It will be a combat worth witnessing. I have the last speech, and have yet to study the cause; but I know the facts and have only to weave the argument. Now if you will come down, you will kill two birds with one stone. We will first feast you, and then cure you and send you home a well man. Don't make light of this proposition, and put me off

with "I wish it was in my power." It is in your power. You have only to will it and it is done, and that you ought to will it, heaven and earth know. If you do not, you will be quite as much to blame as the man who kills himself with strong drink. In point of morality, there will be no difference between you. You cannot make a *sound* distinction between the two cases, to save your life. So do the thing that is right and give us none of your "*clishmaclaver*," as Burns says.

To be serious, my dear friend, let me conjure you to remember that this is a case of life and death with you, and I beseech you on the bended knees of my heart, to be prompt and decisive in your efforts at recovery. You know how submissively I yielded myself to your friendly importunity when my own life was thought in danger, and do not let me beg you in vain, now that the case is reversed. I have done.

I shall not be able to write to you again during the session of the Supreme Court, but do you write to me again and again, and cheer and animate me in the battle I am to fight. One "well done" from you has always had more effect on me than the applause of thousands.

My wife and fireside unite in cordial greetings and prayers for health to you and yours—and I am as ever, till time shall be no more.

Your friend,

WM. WIRT.

Our extract from the speech in the steamboat case will be confined to the peroration, which has been cited more than once, as one of the best and most characteristic specimens of Mr. Wirt's eloquence. Certainly, we may regard it as a very finished passage, in that department of oratory which is most popular and captivating to the multitudes who throng the forum; but I am unwilling to offer it as a specimen of the highest order of his eloquence, or to give it a rank above that more severe logical and sustained train of argument which, having less to flatter the public taste, usually draws less commendation, but which evinces much higher powers of intellect and true eloquence than these more favored appeals to the heart or imagination of mixed assemblies. Many a dexterous speaker is to be found, able to charm the wise, no less than the simple, by pointed repartee, witty sarcasm, or brilliant play of

imagination, but whose wings would speedily dissolve in the heat and radiance of those upper regions of thought and boundless vision, where great minds only have a pinion to bear them safely. Mr. Wirt's argument in this case was still better than his peroration.

Mr. Emmett, at the close of his speech, had occasion to refer to the great benefactions which the State of New York had conferred upon the Union, by the solid patronage she had given to Fulton in the course of his efforts to bring the steamboat to perfection. "Where," said he, "can you travel without having your eyes delighted and some part of the fatigues of your journey relieved by the presence of a steamboat? The Ohio and Mississippi she has converted into rapid channels for communicating wealth, comforts and enjoyments, from their mouths to their head waters. And the happy and reflecting inhabitants of the States they wash, may well ask themselves whether, next to the constitutions under which they live, there be a single blessing they enjoy from the art and labor of man, greater than what they have derived from the patronage of the State of New York to Robert Fulton? But the mighty benefits that have resulted from those laws are not circumscribed even by the vast extent of our Union. New York may raise her head, she may proudly raise her head, and cast her eyes over the whole civilized world; she may there see its countless waters, bearing on their surface countless offsprings of her munificence and wisdom. She may fondly calculate on their speedy extension in every direction and through every region, from Archangel to Calcutta; and justly arrogating to herself the labors of the man she cherished, and conscious of the value of her own good works,* she may exultingly ask,

'Quæ regio in terris, nostri non plena laboris?'"

The reply of the Attorney General to this passage of Mr. Emmett's speech, is thus reported:

* In the report of this speech by Wheaton, it reads, "And, conscious of the value of her own good works, *she may turn the mournful exclamation of Æneas into an expression of triumph*, and exultingly ask," &c. These words in italics were interpolated after Mr. Wirt's reply, when the case was made up for publication,—as we shall see hereafter. The introduction of them here takes away the chief point of the reply, and to a certain extent renders that reply unintelligible.

"In conclusion, he observed, that his learned friend had eloquently personified the State of New York casting her eyes over the ocean, witnessing everywhere this triumph of her genius, and exclaiming in the language of Æneas,

'Quæ regio in terris nostri non plena laboris?'

"Sir, it was not in the moment of triumph, nor with the feelings of triumph, that Æneas uttered that exclamation. It was when, with his faithful Achates by his side, he was surveying the works of art with which the palace of Carthage was adorned, and his attention had been caught by a representation of the battles of Troy. There he saw the sons of Atreus and Priam and the fierce Achilles. The whole extent of his misfortunes, the loss and desolation of his friends, the fall of his beloved country, rushed upon his recollection:

'Constitit, et lachrymans, quis jam locus, inquit, Achate,
Quæ regio in terris, nostri non plena laboris?'

"Sir, the passage may hereafter have a closer application to the cause than my eloquent and classical friend intended. For, if the state of things which has already commenced, is to go on; if the spirit of hostility which already exists in three of our States, is to catch by contagion and spread amongst the rest, as, from the progress of the human passions and the unavoidable conflict of interests, it will too surely do,—what are we to expect? Civil wars, arising from far inferior causes, have desolated some of the fairest provinces of the earth. History is full of the afflicting narratives of such wars; and it will continue to be her mournful office to record them, till 'time shall be no longer.' It is a momentous decision which this Court is called on to make. Here are three States almost on the eve of war. It is the high province of this Court to interpose its benign and mediatorial influence. The framers of our admirable Constitution would have deserved the wreath of immortality which they have acquired, had they done nothing else than to establish this guardian tribunal to harmonize the jarring elements in our system. But, sir, if you do not interpose your friendly hand, and extirpate the seeds of anarchy which New York has sown, you *will* have civil war. The war of legislation which has already commenced,

will, according to its usual course, become a law of blows. Your country will be shaken with civil strife. Your republican institutions will perish in the conflict. Your constitution will fall. The last hope of nations will be gone. And what will be the effect upon the rest of the world? Look abroad at the scenes now passing upon our globe, and judge of that effect. The friends of free government throughout the earth, who have been heretofore animated by our example, and have cheerfully cast their glance to it, as to their polar star to guide them through the stormy seas of revolution, will witness our fall with dismay and despair. The arm that is everywhere lifted in the cause of liberty, will drop unnerved by the warrior's side. Despotism will have its day of triumph, and will accomplish the purpose at which it too certainly aims. It will cover the earth with the mantle of mourning. Then, sir, when New York shall look upon this scene of ruin, if she have the generous feelings which I believe her to have, it will not be with her head aloft, in the pride of conscious triumph, 'her rapt soul sitting in her eyes.' No, sir, no! Dejected with shame and confusion, drooping under the weight of her sorrow, with a voice suffocated with despair, well may she exclaim,—

'——————— quis jam locus ———————
Quæ regio in terris nostri non plena laboris?' "

This year was distinguished by two events which greatly engrossed the public attention. The one was the pendency of the presidential election. The other was the visit of the Marquis de La Fayette to the United States.

The election exhibited a state of things somewhat anomalous in the political affairs of the country. There were no less than five candidates before the people, for the Chief Magistracy:—Mr. Adams, the Secretary of State,—Mr. Crawford, the Secretary of the Treasury,—Mr. Calhoun, the Secretary of War,—Mr. Clay, the Speaker of the House,—and General Jackson. This unusual number of competitors for the honors of the presidency, furnishes a striking evidence of the absence of that party spirit which had before that era, and has generally since, marshalled the whole country into two opposing ranks, and given to each an organization and discipline sufficiently potent to forbid their severance

into smaller divisions. We may discern in it, the influence of that conciliatory temper which prevailed throughout the presidency of Mr. Monroe, to which we have heretofore alluded, and which had done so much to break up the old array of parties, and to bring the great body of the nation into a harmonious adoption and support of the measures of the administration. Those measures had received the sanction of Mr. Madison and his friends in the last years of the preceding administration. They were established in a spirit of conciliation and compromise. They were confessedly dictated and sustained by the purest patriotism. They had won to their support almost all the moderate and judicious men who had formerly been in opposition to the predominant party of the day. It was a new era—an era of harmony and patriotic concert of good men to promote the prosperity of the country, by tranquilizing it, and giving the fullest scope to the development of every element of prosperity. This was the palmy season of the success of the democratic party;—a party then tempered by kindly feelings, moderated by its triumphs, and enlightened by its long collision with an astute, vigilant and intelligent adversary. It had now secured to itself, by this adjustment of the differences arising out of the old conflict of opinions, and by its liberal policy, a strength and stability which, it was hoped, would disarm all future opposition and permanently establish its ascendency with the concurrence and support of the temperate and thoughtful citizens of every section of the country. In the confidence of the predominance which it had thus acquired, it was governed, in the choice of a successor to Mr. Monroe, almost exclusively by personal or sectional predilections, manifestly uninfluenced by such considerations as, in other circumstances, might have demanded a union upon any one candidate. At least, four of the five who were presented to the public, were amongst the most distinguished and authentic supporters of Mr. Madison and Mr. Monroe's administrations: three of them, we have seen, were then actually members of Mr. Monroe's cabinet; and Mr. Clay, the Speaker of the House of Representatives, was quite as prominent as either of them, as a champion in the same ranks—perhaps, without disparagement we may say, more prominent than either. These were all leaders of unquestioned repute and authority in the great democratic party of the Union. General Jackson, the fifth of the can-

didates, occupied a somewhat different position: not one strictly antagonistic to the others—but neutral, rather, in the contest. He had not been a very cordial supporter of Mr. Madison: on the contrary, was opposed to his second election. He was known, also, to be strongly in favor of restoring certain portions of the old federal party to a share in the administration of public affairs;—restoring them as federalists by name, and sharing the power and patronage of the Government with them. He had publicly advised Mr. Monroe to adopt this course, immediately after the election: and although Mr. Monroe did not take the advice, the General did not change his opinion upon that point, but subsequently, when he himself came to the head of affairs, practised upon these counsels, and, for the first time since the year 1800, brought into the cabinet some of the most prominent opponents to the old democratic party.

During the pendency of this contest, Mr. Monroe observed a most scrupulous resolve against all interference with the freest expression of the public sentiment in regard to the candidates. In this he was fully seconded and sustained by his cabinet—by none more than by those whose names were in the lists for suffrage. For, at that time, it was not considered decorous in the Executive to make itself a partisan in a presidential or any other election. Indeed, there was a most wholesome fastidiousness exhibited on this point, which would have interpreted the attempt of a cabinet officer, or any other functionary of the Government, to influence the popular vote, by speech, by writing, by favor, fear or affection, as a great political misdemeanor worthy of sharpest rebuke. These were opinions of that day, derived from an elder age. They are obsolete opinions now. The first of the following letters will give us an agreeable commentary on this text. It has a reference to a fourth of July dinner, which certain political managers had sought to pervert to the purpose of partisan advancement;—another point in which the ethics of that day somewhat differ from the present. The other letters treat of more private subjects:

TO JUDGE CARR.

WASHINGTON, August 27, 1824.

MY DEAR FRIEND:

Your letters are such cordials to me that I am determined to deserve them more frequently, if any thing that I can scribble will give me such a title.

I am really much obliged to the Washington Gazette. I would not give the letter which it provoked you to write, for all the addresses our noble General La Fayette will receive from Boston to York. One drop of private friendship such as yours, is of more value, in my estimation, than an ocean of public honors. It perfumes my heart and spirits, and purifies, cheers and invigorates me like unto a plunge into the Chesapeake. If you ever felt the abstergent, bracing, exhilarating touch of a sea-bath after a hot day, you will feel the force of this "*similitudinar*,"—if I may borrow a word from a Methodist preacher, in Madison county, of about the year one thousand seven hundred and ninety-three.

* * * * * *

With regard to the presidential contest, I am of the opinion that I have nothing to do with it;—and I will tell you why. In the first place, I think that, according to the genius of our Government, the President owes it to his country to abstain from the exercise of the slightest influence in the choice of his successor. Even the intimation of his opinion upon the subject, considering the factitious weight which he derives from his office, would, in my opinion, be a departure from principle, as having a tendency to lead to a result subversive of the whole fabric of our republican institutions,—the enabling a President to appoint his successor. And in my opinion it is not enough that the President observe the most sacred silence upon this subject; but all who hold the relation to him which I do, and who might therefore be suspected of merely echoing his sentiments, are equally bound to observe it. This consideration would alone be sufficient to induce me to observe the most guarded silence. In the next place, those who are called members of the administration (the Heads of Departments and the Attorney General) are, in truth, limbs of the Executive branch of the Government; and the principle of the most im-

partial neutrality, in such an election, presses with equal force upon the whole Executive. In the third place, any man who holds the office which I do, derives from it an artificial weight, a length of lever and a fulcrum, that would be very unequally exerted against the individual influence, man for man, on which such an election ought to depend. And as I have cautiously forborne to make the Attorney General a partisan in this election, by any personal appearance in the canvass, either on the one side or on the other, so I am determined that nobody else shall entrap me into a partisan feast, or any other situation which might be considered as taking a side either with the one candidate or the other.

It was another objection to appearing at the dinner, that, from being a national festival, it was attempted, by a trick, to be converted, and was, in fact, practically converted into a party festival.

Even to you, the unshaken friend of my youth, of my manhood, and of my old age, I think it improper to express any opinion, either by word or act, as to the person who is most fit to be our President: and what, for conscience sake, I would not say even to you, I shall not say to others; nor shall I do any thing which I know the blind or interested zeal of party would not fail to seize and interpret as an avowal of preference.

As for the —— paper, I don't know whether it is much to the credit of my moral sensibility to make the confession, but that publication did not touch me. So far from "raising or piercing," it did not even brush me with its wind. The fact is that every man, in a high public situation, must become fire-proof and bullet-proof, in his own defence. I had seen so many other men, of the purest and most exalted virtue, from the President down, villified and abused so unmercifully, so scandalously, so basely in that paper, even to the impeachment of their veracity and pecuniary honesty, that I considered myself as being let off very lightly from such a sink of iniquity and defilement. Then, as to political honors; it may be the evidence of a poor spirit, but I have not a nerve in my system that responds to their call—and it seems to me to be actually a species of *mania* to see men bartering their hopes of an independent and peaceful old age, for the temporary possession of such a bauble as the presidency of the United States. If a man had first secured the *otium*, I should

have no objection to the *dignitate;*—but a feast for eight years, and a famine for the residue of life, is not at all to my taste. But let this pass:—*quiescat*—and peace be with it, say I.

* * * * * * *

Among the things that have been fluttering in my brain, like Plato's souls before they have joined their bodies, is a historical novel, *flagrante bello*, of the revolution, and about the period of the successive invasions of Virginia by Phillips, Arnold and Cornwallis. The field is rich, and wants only mowers. I shall never have time. You would make a figure at it; so would H. T.; so would P.; so would W. How would it gladden me to sit in a council with you four, and plan a series of such works! I have the old files of the Williamsburg papers, which shall be yours, if you will promise me to try your hand. They are full of the minutest details, and would fire you with a thousand "thick-coming fancies," if you were to read them. It would be a delightful summer occupation to you,—and you have a pen that would throw it off so lightly and joyously that your hours would fly "on angel's wings." What say you? "Would not become the gravity of a Judge." Could a judge be better employed than in giving new sanctity, beauty and attraction to the lessons of the revolutionary war,—in cherishing and feeding the flame of patriotism, depicting the manners and characters of that age, and cultivating the graces and virtues of life? *Quid dicis?* or rather, "*quid agis*," as our grave and learned friend Cordery says, that you should not undertake it?

I wish I could have met you at the Springs, or that I could meet you any where; but *non omnia possumus omnes*, as Partridge says. You see I am in the humor for elegant quotation, like our friend Sancho. Miss B. said something of your coming through Washington, this fall, with your family, on the way to Richmond, and of your staying some days here; but I shall be in Baltimore. Let me know your time, however, and it will go hard but I find a few days to come down and see you:—*aut inveniam, aut faciam*, as somebody says,—who? Alexander, I believe, when he was going to cut the gordian knot: or if it was not *him*, or *he*, it was somebody else,—as the coroner's inquest, to the North, seemed disposed to say the other day. Did you see that solemn piece of nonsense? They sat over a dead body, "and reported it, *as their*

opinion, that the deceased came to his death, "*by some cause unknown.*"

Did you ever see the like of the reception given to La Fayette at the North? There is, no doubt, a good deal of ostentation in it; and yet there is so much feeling, that reading it made me weep like a child. By-the-bye, I wish he would agree to let us call him *the Marquis*. We shall hardly know him, in Virginia, by any other name. He became endeared to us under the name of *the Marquis:* there is *the Marquis' road*, too, through Louisa, and *the Marquis' bridge*, &c., and all our old newspapers of the revolution, constantly call him "the Marquis" only, without any other addition. "General La Fayette" is a new body, of whom we know nothing. I shall be very apt to say all this to him, if I get a chance; let him think what he will of my republicanism. *Quid dicis*, on this important subject?

* * * * * * *

You have the united love and prayers of all that sit beneath the shade of my vine and fig-tree. May joy and happiness, pure and permanent, attend you and yours under every change, and in all times, places and circumstances.

It is eight-and-twenty years since I first knew you, and, from that time to this, I have known but little difference between your happiness and mine. And so it will continue to be while we are here together, in this state of things.

May God Almighty bless you, your dear wife and children, in time and in eternity! My wife says, "Amen."

Your friend,

WM. WIRT.

TO JUDGE CARR.

WASHINGTON, September 9, 1824.

MY DEAR FRIEND:

This is as it should be—our correspondence, so long stagnant, is beginning to flow again, as refreshing as the rock spring after a hot mid-summer's day walk over the red hills of Pen Park. Yes, I know what that business of filing away and reperusing old letters is. It is one of the purest, tenderest, holiest banquets the heart of man can know, when the correspondence has flowed from

a friendship like ours. I have preserved every scrip of a pen I ever received from you. They are amongst my most valued treasures. They are medicine to the soul, and the enjoyment of them in the reperusal is amongst the strongest proofs that the soul has not been polluted by any intermediate guilt. If either of us had turned scoundrel in our journey through life, I cannot imagine a hell upon earth more agonizing than those letters would create. They would be nests of adders let loose into the bosom—the memorials of lost innocence and honor, and shipwrecked hopes and fame. As it is—thanks to the Almighty preserver and director!—they are sources of the purest solace and self-felicitation. No, my dear friend, it seems to me impossible that even a passing cloud should ever have thrown the shade of a moment over our friendship. If with all my faults you have so long loved me, you can never love me less; for I am determined that, if between this and the grave, there is any change in me, it shall not be for the worse. As for you, it has been your *misfortune* to have no fault. For, as it is indispensable to the preservation of the general equipoise of nature's laws, that, between us, we should have as many imperfections as fall to the average of any other two of her creation, it has been my lot to possess the *faults*, and yours to be obliged to endure them;—which, I will do you the justice to say, you have done "with the most christian resignation"—always making the most of any little good quality that I might possess, and winking most excessively hard when my defects revolved into view. Don't suppose that I have been so vain and blind to myself as not to have seen this all along, through the whole of our pilgrimage, and not to have felt the elevated and noble generosity of your friendship as I ought to have done.

But a truce with confessions. Yes—we have had a most vagarious correspondence. I have kept Peachey's letters too; and they have made me laugh by the hour. Our correspondence will do very well for our own perusal, but it would not make quite such a figure in print as Addison's, Pope's Swift's, Arbuthnot's, Parnell's, &c.; though it is scarcely so bad as some of Swift's minor effusions. Do you think our children will enjoy it? They cannot enter into the scenes and understand the allusions, and cant and slang sayings, as we can do; yet they may still see enough to shake their sides. A more grave, stately, guarded, decorous and

elaborate correspondence might, perhaps, have represented us to them, as higher characters; but it would not have had so much of the raciness of nature, or shewn us so truly as we are. And though we have not been always quite as dignified as we might have been, yet, of one thing I am certain—and that is, there is nothing in the strain of sentiment which as men of honor and morality we can wish unsaid, or which our ghosts will have to blush for as they hover over the child that is reading us.

By the aid of the context I have made out the Latin quotation you give me from one of my letters—though, I suspect, it would have puzzled Swift. The last words of the quotation remind me of a Latin version of one of Kinney's songs. Do you remember it? "Non amo breve opus," &c. I recall distinctly the time and occasion of making it. You, Jack Quarles and myself were riding one morning from Nic Meriwether's to Louisa court, which we then attended. I remember poor Jack was most obstreperously diverted. As for you—you sometimes broke into a laugh, in spite of yourself, and then gave whip to your horse and "consumed it" and "confounded it," and rode off in great disgust, out of hearing, whilst I was gravely at work to make out my Latin version, and bring it within the compass of the tune, which I had sometimes to stretch by the repetition of the same note half a dozen times, to bring in my metre. Oh those days!—Poor Jack Quarles and poor Kinney!—What excellent, joyous fellows!—Where are they now?

Have we, ourselves, think you, made the best of life? Could we not have done better? I sometimes think that if I had, from my youth, been prudent, circumspect, studious, industrious, economical, and steadily and perseveringly ambitious in my profession, I might have risen much earlier and much higher. I might, perhaps, have been now rich, distinguished, and in a condition to dispute the palm of politics with the best of those who are at this time figuring on the great stage. For when I ask "what have I done for myself?"—I am obliged to answer "nothing." I am not conscious of having made a single effort to place myself even where I am. On the contrary, I have been an idle, thoughtless dog—as heedless and reckless as any monkey that ever swung by the tail—quite as much a man of whim, impulse and pleasure, as if I had been born a prince of endless revenues and had had

nothing to do but to devise the most agreeable modes of killing time. I verily believe that William Pitt Hunt laid a charm upon me, when I went to school to his father. He was, you know, (for I believe you knew him) very grave, dignified, solemn and pious. He was a man of five and twenty, had graduated at Princeton, and was a professor at Hampden Sidney. On a visit from Virginia, to his father, while I was there at school and a boy about fourteen, but reading Homer and Cicero (which in Hunt's estimation imposed upon me the necessity of being a man in manners) he was excessively scandalized at seeing me in a high romp with some boys, about my own age, but who happened to be just beginning to learn the languages,—"Fie!" said he to me—"You will not be a man 'till you are fifty years of age." And if I have not fulfilled the prophecy in the sense in which he meant it, it must be confessed that I have run it pretty hard. "But grieving's a folly," as Ophelia says or sings, in the travesty of Hamlet. A man can neither change his destiny nor his nature. They say "there is no making a whistle out of a pig's tail—nor, a philosopher out of a jack pudding." I have had my laugh and song and dance through life—and I believe that no other course could have made me so happy, nor perhaps even so distinguished. At least, it is more comfortable and more wise to rest in this belief, than to be tormenting myself with the imagination of what I might have been if I had acted as it was not in my nature to act. Besides, I have done,—or rather Providence has done, so much better with me than I deserved by any prudence of my own, that it would be ungrateful to complain and impudent to think hard of my fate. If my life can only be prolonged a few years more, and I can leave my wife and children with their chins above water when I am summoned from this scene, I shall go content. But I am in no hurry to go. I shall certainly not abridge my own time here—being as how one is not so exactly certain of one's berth in the next voyage. But thereafter as it may be.

No, indeed! I had no idea of your keeping anything from your wife. I can tell you that if you do, there is not fair play between us; for I keep nothing from mine. She reads your letters as of right,—and oftener before than after me. This, for example, she read first. I could hear her muttering to herself, "I wish he would write a plainer hand," which proves that you have not

given her much experience in this way. She reads mine without difficulty, and I take it that a stranger would find some much tougher problems to solve in my hand than in yours. For my part, I think your hand unexceptionable. It is, to be sure, a rolling, galloping kind of hand; but it seems to me to suit the gait of your thoughts much better than any other. So stick to it.

Your counsel is sound and excellent, and I shall follow it, so far forth as future circumstances shall permit. But I wish we could be nearer to each other. In this I must complain of my fate. If I could have lived alongside of you all the days of my life, I should have been happier, and, I am persuaded, should have made a better figure both in law and literature. * * * I do not know that I could have been of much service to you, for your character is naturally strong, independent and self-balanced. You require no external stimulus to exertion, and no solace under momentary failure. You have a full supply of both in your own energy. While I, to my shame be it spoken, often find myself in need of both; and the man does not exist who can minister them to me so successfully as yourself. I confess that I deserve to be whipped for this weakness, and I have often been angry enough with myself to inflict the penance as unmercifully as Lord Lyttelton's mysterious huntsman; for no man despises this weakness either in himself or others more than I do. But I believe it is constitutional.

I have often witnessed so much blindness in the world around me as to hear myself lauded and even envied for speeches, which were really so mediocre, as almost to dispose me to renounce my profession. The truth is, I am always comparing what I do with what I feel I am capable of doing,—not competing with the *aliquid vastum et immensum* of Cicero, nor with the ideal perfection of Doctor Johnson, but simply with what I know and feel I am capable of doing on the occasion, and what I have done on others. Then, when I fall short, as I have no one to blame but myself, I let loose, as John Key used to say, "like forty thousand." Yet, at last, there is a good deal of Madame Catalini's *felicia tempora* in this business. One must be in time, and this depends on the state of the nerves, and this again on external accidents which are beyond our control. This, however, is, in a great degree, self-flattery; for, in truth, my failures much

oftener proceed from the natural indolence of my character and the consequent deficiency of preparation than from any other cause. I am excessively lazy. My mind will not go up hill with a heavy load at its tail, without a great deal of coaxing and whipping. Hence, my preparations are too often slubbered over any how, and want that fullness, clearness, compactness and cogency which they would have possessed if I had bent myself to the task *con amore.*

It is death to me to see a man taking up a train of thought where my lazy mind had dropped it, and pushing the investigation into regions which were *terra incognita* to me only because I had not chosen to take the trouble to explore them, and making those luminous and strong distinctions in the regions of polar night, which proved that he was at home, every inch of the way. Then I say to myself, "You are a pretty fellow! You pretend to talents! Go hide yourself in dust and ashes!" * * And to know and feel, too, all the while, that not a single idea had been presented that was not perfectly within my own reach, if I had condescended only to reach forth my hand! This is what I call delightful! * * Pray, have you ever had anything of this sweet experience? If you have not, then, as the saying is, you have great pleasures in store. There is a vast difference between men in this particular of which I am speaking. There was Pinkney, who was certainly a great advocate. He was never heard to complain of a failure. He has made some speeches which would have half killed me. On a great occasion in Annapolis I heard him speak for three days. Of the first day, two or three hours were in his best manner; the rest of that day, and the whole of the following two, were filled up with interminable prolixity of petty commentary upon one or two hundred cases. The Court, bar and every one were tired to death. He went home and told —— that he had made the greatest speech he had ever made in his life. It is possible this might have been policy, but I rather incline to think that he was not conscious of his failures. * * It was perhaps propitious to his fame that he had none of this tenderness of sensibility, either to impair his confidence in himself when about to speak, or to unnerve him with despondency, on a failure. The truth is, that, as an advocate, he had the nerves of the Nemæen

lion; and his action was not unlike that of the king of the forest. The speech you heard him make in Congress was in a manner so comparatively subdued that it bore no resemblance to his forensic manner.

* * * * * * *

Have you ever read Cuvier's theory of the earth? If you have not, I beseech you to get it and read it. Here is a book which has been before the American world eight or ten years, full of the most interesting and instructive facts and speculations, and yet, until within a fortnight past, have I known nothing of it, save only the name. This same geology, with all its discoveries of the past history of our planet, is a prodigious science, and very nearly as honorable to the sagacity of man, in my opinion, as astronomy itself. Only to think,—that this inert mass of earth and stones, over which the human family have been walking with thoughtless indifference for five thousand years, should contain within itself the clearest historical monuments both of the correctness of the Mosaic account and of divers revolutions long, long antecedent to that account; of races of animals extinct long before the existing order of things arose; and of a change of climates upon the face of the globe as great as could have been effected by the stroke of a passing comet changing the poles of the earth, if indeed it was not, in fact, brought about by this cause. It has become quite a new world to me within this fortnight, and the Mosaic world, so much a thing of yesterday compared with its antecedent duration, that I feel as if I could shake hands with Cicero and Demosthenes across a table. They become my contemporaries and companions. If you have not time to read Cuvier, procure the number of Silliman's Journal of Science for May, 1824, and read, at least, the Review of Buckland's *Reliquæ Diluvianæ*. What do you think of that sagacity which, on the inspection of the smallest piece of bone that has been lying perhaps twenty thousand years in the earth, can tell you, *with demonstrable certainty*, to what kind of animal it belonged? And yet, this is one of the triumphs of human sagacity exerted upon the subject of comparative anatomy. Perhaps you think I might be better employed? But you know that Cicero was of a different opinion; besides, I cannot bear to breathe no other air than that of the dungeon of the law. Blackstone, I know, calls it a palace full of light and

architectural symmetry and grace; and yet it is, at best, such a crepuscular labyrinth that the greatest lawyers and judges are continually butting their heads against each other, and disputing about the passages, the rooms, and the way in and out; such is its proverbial "glorious uncertainty." It is, I confess, a fine arena for intellectual gladiators: yet a man would not choose to be confined all the days and nights of his life to the single business of pushing, thrusting and warding. He requires some recreation: and the kind of recreation for which I am disposed may be made, itself, subsidiary to his excellence in his peculiar art. It enlarges, invigorates and polishes the mind and furnishes it with new stores of illustration and ornament. And I see not why both the judge and the practising lawyer may not make such excursions to advantage.

You conjure me not to tempt you from your legal studies. I stand more in need of legal armor than you do,—for I have giants to war with, while you are merely one of the judges of the combat. Nevertheless, I approve your resolution, if you will qualify it with a determination to read just so much as is necessary to keep up with the march of science and literature,—not to *master* the sciences, but to know what is doing and what has been discovered in the scientific world. With this modification, I laud your resolution, and pray you to adhere to it. The bench is too often the tomb of emulation. Do you, my dear friend, push on. Become the Pendleton of Virginia, as you certainly may. Or rather, become the Kent of the United States; for Kent has more law learning than most of the judges in the United States put together. I wish you to make yourself an accomplished civilian. I do not mean a superficial one,—but a learned and profound jurist. I believe Mansfield owed more of the boundless horizon and refulgence of his mind to the civil law, than to all his other studies besides.

* * * * * * *

Would that I could be with you at York.* You will have Pope, there, with brimful eyes, and in all the glory of his soul,

* La Fayette was to be at Yorktown on the 19th of October,—the anniversary of the surrender. Great preparations were making to give interest to this celebration.

ready to exclaim,—"Now, Lord, let thy servant depart in peace."

* * * * * * *

I must stop. So, with our love to your wife and children,

Your friend,

WM. WIRT.

We have in the next some memorials of the visit of the Marquis at this time.

TO RICHARD MORRIS.

BALTIMORE, October 22, 1824.

I thank you, my dear Morris, for your letter of the 6th, which I received in due time, although it has not been until now that I have had it in my power to acknowledge it.

* * * * * * *

I am extremely gratified at the spirit of friendship which your letter breathes. My removal to Washington has made no change in my affections. Wickham has an uncourtly saying that "old dogs do not learn new tricks." However this may be, I am very sure that old men are not prone to form new attachments—and that they cherish their former ones with increasing zest.

I have no love for political life. Were I alone in the world, and had no one to think of or care for but William Wirt, I should go back to Virginia and my old friends at the close of this administration;—but with a wife and ten children, and a fortune yet to make, I am obliged to say, with old Teucer,

"Quo nos cumque feret melior fortuna,
Ibimus"—

And I wish I could add, substituting my own name for that of Teucer,—

"Nil desperandum, Teucro duce, et auspice Teucro."

If, indeed, I could ensure the same health that I have had this year, for the next eight, I should be pretty much at ease. But—

"are we not here, to-day," quoth Trim, "and gone to-morrow?" The mention of Trim reminds me of our friend Pope. I take it for granted that he went to York, to meet the Marquis—and that he came forth in all the glory of revolutionary song and anecdote. I have no doubt that the Marquis would enjoy him,—for the old General is quite as full of the revolution, as ever our friend Pope was. By-the-bye, he himself told a camp anecdote of the revolution, one morning at the President's breakfast table, of such *goût*, that I think Pope ought to have it in his budget.

Hay asked him whether Lord Stirling was really a nobleman by birth, or only a Lord by courtesy. The Marquis said he did not know how that was—but that there never was a Lord who was prouder of his title;—that no one could say "Lord" or "Lordship," in his hearing, but he thought that he was the person spoken to or spoken of. In proof of which he stated that one of Stirling's soldiers was sentenced to be shot, for some offence, and as the poor devil was going to the place of execution, with his arms manacled behind him, he raised his eyes to Heaven, and, in the agony of his despair, exclaimed, "Lord! have mercy on me!" Says Stirling, with all the importance of Jupiter "with both cheeks puff'd up with rage,"—"I'll be damned if I do,"—imagining that he, alone, could be the object of the ejaculation. It was extremely well told, and produced a high effect. Do tell it to Pope.

God bless you, my dear Morris—and give my love to your wife.

Your friend,

WM. WIRT.

The following letter will awaken some pleasant reminiscences in Richmond.

TO WILLIAM POPE.

BALTIMORE, November 12, 1824.

I thank you, my dear friend, for your very amusing account of the La Fayette jubilee at Goochland court house—not forgetting

the procession in which the Ghost of Fame made so conspicuous a figure.

* * * * * * *

You had indeed a great day. It was a day of days for old Goochland, and will be remembered with delight by every one who was there—save only, perhaps, the unfortunate wight who toasted Bonaparte.

Poor Fleming Paine, and poor dear Quarles—would that they could have been present! And if, with them, you could have had Peter Carr and Bullock—what a day it would have been! Death has made sad work in the little circle of our favorites. He has taken from us those whose places can never be filled—for, to go no further, where shall we find two such men as Peter Carr and Jack Quarles? Where merriment was the word, it was hard to match them. So full, too, of the noblest intelligence and finest feeling. Their death has sadly marred the music of our society. They are strings snapped which can never be replaced; and never again can the instrument have the compass of execution which it once had. Heaven's will be done! Those of us, too, who remain, are so scattered, that we can scarcely ever again hope to come together. But I think we must try it next summer. My friend of friends, Dabney Carr, is now at Richmond, and if we all live 'till next summer, and no accident happens to prevent it, we will have a meeting in Richmond. Let me see how we shall manage it. I will give you notice when I will be on:—I will, also, give notice to Sam. Carr in Albemarle—and to Morris. We will dine one day at Coalter's—one day at Cabell's—one day at Carr's—and one at Bullock's. And there we shall be able to assemble all the survivors of our once large and joyous circle. I will write out, too, to Alexander Stuart to come and meet us. "Bold Alick" would willingly take a short ride of fifteen hundred or two thousand miles for such a frolic. I remember that we once made an arrangement of this sort to meet at your house, and it failed. But this, I think, will be more practicable,—because there are so many already at Richmond, on the spot;—so that if you and I only should go, we should be able to rally a delightful little party in Richmond, with the three resident judges of the place and Bullock, and Pleasants the Governor, and Barbour, &c. You will observe, however, that I shall not be at liberty 'till about

the middle of July—my courts being in constant session 'till then. However, you shall have notice of the particular time when it comes.

But to return to the La Fayette dinner at Goochland. That was a fine scene between Captain Johnson and the Marquis—and between this latter and the old seventy-sixer who amused him with a war-song.

By-the-bye, I suspect you had no chance to sing *your* war-song. This is what I expected from what I saw of the dinner in Washington. Singing is the enjoyment of relaxed hours. In these dinners there is too much state and too much of high-toned feeling, to make the light amusement of a song endurable. However, the Marquis will leave such a train of revolutionary feelings and reminiscences behind him, that your song will be in high *goût* throughout this winter campaign. I hope to have a little taste of it next summer myself.

* * * * * * *

I am sorry that you did not see Calhoun. He is a most captivating man. If the Virginians knew him as well as I do, he would be as popular in Virginia as he is in South Carolina. His is the very character to strike a Virginian;—ardent, generous, high-minded, brave, with a genius full of fire, energy, and light;—a devoted patriot—proud of his country, and prizing her glory above his life. I would turn him loose to make his way in Virginia against any other man in the United States—the Ex-Presidents excepted. He wants only what age will give him, to assure to him, I think, the universal confidence of the nation. He is, at present, a little too sanguine, a little too rapid and tenacious; but he is full of the kindest feelings and the most correct principles; and another presidential term will, I think, mellow him for any service of his country.

I suppose you will have seen, before this reaches you, that General Jackson has taken seven votes out of eleven in the State of Maryland—Adams having three and Crawford one. The calculation here is that General Jackson will take Ohio and probably the whole of the Western States—who, finding that Clay is not likely to be elected, will not be disposed to throw away their votes upon him, but will take their next choice, which is Jackson. North Carolina is counted upon for him with confidence,

and the rumor from New York is, that though the electors will be chosen for Crawford, yet it will be with a permission to give their votes to Jackson, if Crawford's case throughout the Union shall be thought desperate. I am telling you the calculations of those around me, and not my own, for I have made none; my calculations extend no further than the Jew's in "The Road to Ruin," that is, "to provide for my family," which seems to me to be the only purpose now for which I have to live.

I hope and believe that you will be fully gratified by the provision which Congress will make for the Marquis. I trust with great confidence that, as he devoted the morning of his life to us, we shall gild the evening of it with peace and plenty. Such, I am sure, is the feeling of the Executive, and I have no doubt it will be that of Congress.

I wish Morris may fulfil his resolution of becoming one of my regular correspondents;—but he is a man of genius, and therefore, privileged both to be lazy und faithless to his good resolves. It will give me great pleasure if he falsifies this apprehension.

I am here busy in attendance on court, and have only a few moments at night to gallop off this letter to you. Pray excuse it; and give my love to dear L——, whom may God bless with his choicest blessings—and may God bless you, too, my dear friend!

Yours, truly,

Wm. Wirt.

Mr. Wirt's friend and protegé, Gilmer, had gone this year to England, on a tour for the benefit of his health which had become greatly impaired. In the correspondence between them at this period, I find a letter from Stratford upon Avon, which may interest my reader with the picture it affords of the Shakspeare house, to which recent events have given so much interest. It may be noted as one of the characteristic incidents of our times, that this house has lately been purchased by a society in England, of the admirers of the great bard, under a strange and rather amusing apprehension that it was about to become the subject of a Yankee speculation, the drift of which was to bring it off bodily to the United States:

FRANCIS W. GILMER TO WILLIAM WIRT.

July 16, 1824.

My Dear Mr. Wirt:

I write you my first letter from England, not from Warwick Castle or Guy's Cliff,—which are both near at hand—nor from Stratford generally, but from the identical room in which the immortal bard first came "into this breathing world." Here day first dawned upon his infant eyes—a miserable hovel. Imagine in that hovel a small room, with a low roof; but one window,—that looking to the setting sun; a fire place advanced into the room, by the naked chimney coming through the floor. The house is neither wood nor brick, but a wooden frame with the intervals filled up with brick. The wooden beams are shrunk and warped by weather and time. On the lower floor is a butcher's stall. No where is there a single vestige of Shakspeare. His chair is gone. His mulberry tree, which was in the garden, is attached to another house; it is reduced to the last fibre. Except his will, and the walls and beams of this lowly mansion, I know of no object in existence which he touched. Here the wise and the great repair to worship him. In the register before me is the name of Sir Walter Scott among others less illustrious. The walls were once scribbled over by men of genius and fame—Fox, Pitt, and others,—but a mischievous tenant lately whitewashed them, and you see only what have been recently written.

His body lies near the altar in the church, and neither name, nor date, nor arms appear upon the stone;—conclusive circumstances, I think, to show that he wrote the epitaph which is sculptured upon the stone. This has been doubted. What but the modesty of his own great mind could limit the epitaph of Shakspeare to the expression of the simple wish that his bones might rest undisturbed in their last repository. We have seen the lines in Johnson's life of him, but here is a fac simile:

GOOD FREND FOR IESVS SAKE FORBEARE
TO DIGG THE DVST ENCLOASED HEARE
BLESE BE Ye MAN Yt SPARES THESE STONES
AND CVRST BE HE Yt MOVES MY BONES.

I inquired of half a dozen persons in Stratford for the tomb of Shakspeare before I could find it. I should not have been surprised if this had occurred in a search for the tomb of Newton or Milton. But I was amazed at its happening in the case of the Poet of all ages and conditions.

* * * * * * *

I begin to be impatient to see Virginia once more. It is more like England than any other part of the United States—slavery *non obstante*. Remove that stain, blacker than the Ethiopian's skin, and annihilate our political schemers, and it would be the fairest realm on which the sun ever shone. I like the elbow room we have, where the wild deer cross the untrodden grass, and the original forest never heard the echo of the woodman's axe. There is nothing in England so beautiful as the scenery of Albemarle, or the view from Montevideo—the window from which you used to gaze on the deep blue of these silent and boundless mountains. Peace to them!—and a blessing warm, though from afar, on you and all your house!

Yours affectionately,

F. W. GILMER.

TO FRANCIS W. GILMER.

WASHINGTON, December 4, 1824.

MY DEAR FRANCIS:

* * * * * * *

I received your letter from Stratford upon Avon, with the Kenilworth leaf*—and a most interesting letter it was. I sent it to Dabney Carr in Winchester. He has returned it to me. * * I should have acknowledged it by a letter to England, but that I supposed, from your constant locomotion, I might as well have attempted to shoot a humming bird on the wing.

I hope to see you as you pass,—though it will be more probably in Baltimore than in Washington. I have a cause to argue there, and shall return to Baltimore on Wednesday or Thursday. * * If you should chance to come in the Christmas holidays you will find me at home here, when we shall be delighted to eat mince

* A leaf of ivy from the tower of Kenilworth, which was enclosed in the letter referred to, accompanying a description of a visit to the Castle.

pies and drink champagne with you. Though in both operations I shall be merely a looker on. I have been a water drinker, now, for more than a year, and am somewhat on a regimen in other respects; by reason whereof I have been continually in better health than I have enjoyed since I was twenty. I require depletion,—you repletion. So, you shall eat mince pies and drink wine to my bread and water.

* * * * * * *

You will find every thing pretty much as you left it amongst your friends. In the political world there are some changes in prospect, a little different, I suppose, from what you anticipated. But this you will learn in New York.

—— As to my succeeding Mr. Rush*—there is not the slightest foundation for the report. Such a thing is not thought of either by the President or myself. I should consider it an act of madness, on my part, to accept of any mission or any office in the gift of the Government, other than that which I now hold. And whether I shall retain this depends on contingencies. Though, I have no reason to doubt that it will be in my own choice. * * God bless you and restore you to health!

Your friend,

WM. WIRT.

The anticipation of enjoyment in the usual festivities of the approaching Christmas, which is indulged in this letter, was sadly disappointed by the tidings which arrived at this time from France, communicating the death of Robert Wirt, the eldest son of the Attorney General. This youth had been admitted, as we have seen, to the Academy at West Point. The discipline of that school was found too severe for a constitution naturally feeble, and he was withdrawn from it in the second year of his probation there, greatly reduced in health. A sea voyage had been prescribed to him by his physician, and, in the hope of finding that which was already irretrievable, he had embarked on the 5th of August in this year, for Havre. His disease—a pulmonary affection—seems to have taken a fatal direction almost immediately upon his arrival in September. He was unable to prosecute his

* Mr. Rush was then Minister of the United States in England.

travels, and died in the city where he had landed, on the 31st of October. He was a youth of fine promise, of a meditative, studious habit, and although, but now, in his nineteenth year, deeply imbued with a strong religious sentiment, which showed itself in the habitual cast of his manners, and in the grave character of his studies.

This was the first serious affliction which had yet visited the happy fireside of the subject of our Memoir. It did not find him unprepared or unarmed. Mr. Wirt had long since disciplined his mind to that higher philosophy which is born of the Christian faith and hope, and was not to be shaken even by a calamity so poignant as this. I find a letter written, at this moment, to her whose sorrows had a deeper root than is ever found even in a father's breast, and who stood in sorest need of that manly support which it is the husband's first duty to supply. The most fastidious will see no reason to object to the perusal of the beautiful lesson of Christian resignation, submission and cheerful patience which breathes in the extract I have ventured to make from this private record of thoughts that welled forth from a fountain of truest feeling.

TO MRS. WIRT.

"Baltimore, December 27, 1824.

* * * * * * *

"I am here safe and well. * * The image of your pensive face is on my heart and continually before my eyes. May the Father of mercies support you, and pour into your bosom the rich consolations of his grace, and preserve and strengthen you for your family! What can we do, if you suffer yourself to sink under the sorrow that afflicts you? Let us bear up and endeavor to fulfil our duty to our surviving children. Let us not overcast the morning of their lives with unavailing gloom, by exhibiting to them, continually, the picture of despair. Trouble comes soon enough, whatever we do to avert it, and the sombre side of life will early enough show itself to them, without any haste on our part to draw aside the curtain. Let them be innocently gay and happy as long as they can; and let us rather promote than dissipate the pleasing illusions of hope and fancy. Let us endeavor

to show religion to them in a cheering light; the hopes and promises it sets before us; the patience and resignation which it inspires under affliction; the peace and serenity which it spreads around us; the joyful assurances with which it gilds even the night of death.

"These are realities by which, while we inculcate them on others, we may profit ourselves. They are not fallacies to cheat children, but realities which ought to give strength to our own bosoms. Is not religion a reality? Are not its promises true? Are not its consolations substantial? Why, then, should we not appeal to our Lord in prayer, with confidence in his promises? What though he scourge us, he will not cast us off, if we come to him with humility and entreat him, with earnestness and contrition, to pity and pardon and accept of us. Our Lord himself, when on earth, was a man of sorrows and acquainted with grief, and knows how to pity our distresses and support us by the influences of his holy spirit.

* * * * * *

"May God bless you and breathe into your bosom peace and cheerful resignation!"

CHAPTER X.

1825.

PRESIDENTIAL ELECTION.—MR. ADAMS ELECTED BY THE HOUSE OF REPRESENTATIVES.—MR. WIRT REMAINS IN THE CABINET.—STATE OF PARTIES.—DEATH OF GENERAL HARPER.—LETTER TO GILMER.—WRITING OUT SPEECHES.—DOMESTIC LIFE.—RELIGIOUS SENTIMENT.—DR. WATTS.—VISIT TO MONTICELLO.—UNIVERSITY OF VIRGINIA.—DINNER TO LA FAYETTE—DINNER SPEECH.—DUKE OF SAXE WEIMAR.

THE presidential election having failed in the electoral colleges, was transferred to the House of Representatives, and resulted in the choice of Mr. John Quincy Adams. Mr. Wirt had entertained, for some time past, a purpose to retire from the post of Attorney General, but, in the arrangement of the cabinet, his continuance in office was so strenuously insisted upon, that he did not feel himself at liberty to gratify a wish which had no other motive than his own personal comfort, in relieving himself of the very onerous duties of his station. The administration stood upon the same political basis as that of Mr. Monroe. It was but a continuance of the same party ascendancy. It looked to no change of measures, and to no other change of men than became inevitably necessary to supply the vacancies which the accidents of political life had created. Mr. Clay was called to the State Department, which the President himself had held in the last administration. Mr. Crawford was compelled, by ill health, to retire from the Treasury. Mr. Rush was appointed to his place. Mr. Calhoun was now elected to the Vice-Presidency—the War Department was, therefore, committed to Mr. James Barbour. The appointment of Judge Thompson, in 1823, to the Supreme Court, had brought Mr. Southard, at that time, into the Navy Department, in which post he was now continued. Mr. John McLean, of Ohio, was continued also in the Post Office, and Mr. Wirt, as we have seen, retained the Attorney Generalship. These gentlemen had the full confidence of the Democratic party, and we may say of the great majority of the nation; and the

country still indulged the hope of a prosperous career in the track which had been opened by Mr. Madison and so successfully pursued by Mr. Monroe. Less confidently, however, it indulged the hope of a continuance of that immunity from party contention and exasperation which had characterized the last eight years. The rising of an opposition was seen, at the very commencement of this administration, like a dark cloud upon the horizon, which gradually spread towards the zenith, not without much rumbling of distant thunder and angry flashes of fire. It was quite obvious to shrewd observers, that the late election had disappointed many eager spirits, whose discontent was likely to make head against the predominant party, and, by uniting the scattered fragments of an opposition which had heretofore only slept, whilst the country had supposed it extinct, would present a very formidable antagonist to the new administration. The extraordinary popularity of General Jackson, the defeat of his friends by the vote of the House of Representatives, the neutrality of his political position, his avowed toleration towards political opponents, and, what was thought to be, his liberal views in regard to prominent political measures—for as yet nothing was developed in his opinions to set him in direct opposition to the policy or principles which governed the administration either of Madison or Monroe—all these considerations gave great strength to the position which he now occupied, and, in the same degree, emboldened the hopes of those who looked to him as the proper person to dispute the next election against the present incumbent. Many of those, who had hoped to see the reign of good feeling and of abstinence from party strife prolonged, will remember with what surprise they saw this gathering of hostile elements, and heard it proclaimed by an authoritative political leader, in the first days of the new administration, that it should be and ought to be opposed, "even if it were as pure as the angels at the right hand of the throne of God."* Such a declaration was not less ominous of what was to come, than it was startling for its boldness and its novelty in the history of the government. Many men, it is true, had attached themselves to the cause of General Jackson, in the recent election, from considerations of individual prefer-

* This remark was made by Col. Richard M. Johnson.

ence, who believed him to be as warmly and truly devoted to the support of Mr. Monroe's administration, and the course of measures by which it was characterized, as either of the other candidates; and who voted for him in the belief that his election would contribute, more effectively than that of either of his competitors, to maintain that happy exemption from party spirit which the country had so signally experienced through the two last presidential terms. They looked upon this as the natural result of his commanding popularity, his avowed moderation of opinion, his conciliatory relation to the old federal party, and not less, also, of his reputation for solid judgment and good sound sense.

Those, therefore, who had become the friends of General Jackson on these grounds, in the recent presidential canvass, continued now to be his friends in the contest for the succession; and they maintained their stand for him, at this time,—not from any considerations of hostility to the new President, but merely from the same motives of selection which had at first determined their choice. This class of politicians, constituting a considerable number in the country, repudiated, as became them, that declaration of fierce and premeditated opposition to which we have alluded. They abided the approach of the next contest as an event which was to enable them to indulge a personal preference in the selection of a Chief Magistrate, rather than as an occasion to express a sentiment of reprobation of the policy of the existing President, or censure of the party who sustained him. They considered themselves none the less members of that party, whose principles they had always approved, because they differed with their associates upon the question of the fittest individual to be placed at its head.

The opposition, however, took an organized form—became compact, eager, intolerant and even vindictive. The serpent egg of discord was hatched. A twenty years' history, since that time, tells how the monster grew, what fields were blighted, what fountains poisoned, what hopes were overthrown, what fears made real. With that history I have nothing to do here. I return to the subject of our Memoirs.

Mr. Wirt had now come to a commanding practice in the Courts of Maryland. The death of Mr. Pinkney had left a space at that bar which was now partially filled by himself. At this date,

the bar of Baltimore was deprived of another of its most distinguished members, and the nation of one of its purest and most enlightened patriots,—Robert Goodloe Harper. The death of this excellent man was deeply felt in the community of Baltimore, where he had lived, for many years, actively employed in professional duties, and identified with every scheme of public utility which had been projected to increase the power and prosperity of the State.

The letter from which the following extract is made was written by Mr. Wirt to his daughter on the 16th of January 1825, and refers to this event:

"I have just returned from General Harper's funeral. This letter will probably bring you the first account of his death. He dropped down dead, on Friday morning, (the 14th,) and, it is said by his physicians, died probably before he reached the floor. He has had no recent warning of the probable approach of death. On the contrary, he has been unusually well for some time past. On Thursday, he was well in court, and made one of the best arguments he ever made in his life—an argument three hours long. I met him again, in the afternoon, at a watchmaker's, and he told me that he did not experience the slightest inconvenience from his exertions in speaking in the morning, and that he never felt better. That night he was at a ball, and, I am told, was uncommonly gay and agreeable. On Friday morning he was again well, had eaten his breakfast as usual, and was standing up before the fire, reading a newspaper when death struck him in the manner I have mentioned. No one was in the room but his son, a fine young man of nineteen, and a little negro boy. It is easy to imagine the shock it must have given to his family."

The withdrawal of one so distinguished from the sphere of practice, left, as in the case of Mr. Pinkney, a void at the bar which Mr. Wirt was destined to supply, in some degree, by the enlargement of his own business. But, as in the former case, a competitor was removed whose great legal skill and various accomplishments had served to exalt the standard of professional excellence in the forum, and thus to demand a more perfect and sustained discipline from those who entered into the friendly and exciting rivalries of intellectual prowess. We shall not find, how-

ever, that Mr. Wirt relaxed in any degree, his laborious study or careful preparation for the trials of his vocation. Study and preparation had become the fixed habits of his nature, and, to the last moment of his life, he seems to have been stimulated to his professional efforts by the same eager and ambitious emulation with which he entered upon the contests of his earlier days.

Gilmer had written to him about this time, to ask him to transcribe a speech which he had made on some recent occasion at the bar. This gentleman was then preparing a new edition of his "Sketches of American Orators," and had composed some additional articles for the work, in which he had furnished portraits of some of the most conspicuous gentlemen in Congress, who had not been noticed in the former edition. From considerations of a private nature, I believe, this new edition was never published.

Mr. Wirt's reply to the letter, asking for this contribution, contains some suggestions in regard to the writing out of speeches, which will explain how he himself, at least, comes to be in danger of a short report with posterity upon this point:

TO FRANCIS W. GILMER.

WASHINGTON, April 2, 1825.

"You are to understand that I have two objections to writing out my arguments. The first and most operative one is, that I am too lazy. But this I could overcome if I could persuade myself that the play was worth the candle. That it is not, is the second objection.

"The truth is, I am so overworked from September to April, and from the last of April till the middle of July, that I am glad enough to find 'a time for frighted peace to pant, and breathe short winded accents of new broils.' The interval that comes to enable me to stretch my limbs, and say,—'now, soul, take thine ease,'—is so sweet that I cannot persuade myself to violate it by tasking myself to a new effort, which, perchance, may, after all, do more harm than good.

"When Fame is in a good humor she makes merrier work with her trumpet than vestal Truth would do. Is it my business, according to the law of evidence, to bear testimony against myself? If

Pinkney shall have a biographer of genius, he will, by preserving the real echoes of his fame, do more for his immortality than Pinkney could have done for himself if he had preserved his speeches. His fame had a magnitude by refraction, which would have been impaired by the publication of his speeches. I have no doubt that Pinkney himself thought so. Had he not, he would have written out his speeches. He did, I have been told, begin to write out his speech in the great case of the Nereid—but abandoned it. Why? Not through indolence,—for, in every thing that could advance his fame, he was one of the most indefatigable men that ever lived. He abandoned it, doubtless, because he was himself disappointed in the effect when he saw it upon paper. —— The secret, I am persuaded, was that all his experiments convinced him of the difference of effect between a speech written and the same speech delivered. * * * How apt are we to forget this difference in making our estimate of Demosthenes and Cicero! We measure them only by the speeches they have left us, forgetting that the speech itself is scarcely the hundredth part of the power of the orator. Demosthenes himself, seems to have thought it no part, since he makes delivery every thing; and, we may suppose, entertained pretty much the same notion of a speech which Pope did of forms of government,— 'that which is best administered is best.'

"Nevertheless, if I could produce such speeches as those of Cicero and Demosthenes, I would willingly encounter the trouble! But they either wrote out their speeches *a priori*, or they had more leisure *a posteriori*, than I have. You may rely upon it, they were not engaged as I am in the county court practice of Baltimore. I am convinced they had not as much business as I have even in the Supreme Court—to say nothing of my official business, my practice in the two courts at Baltimore, and in the Court of Appeals and the Chancery at Annapolis, with an occasional practice in Alexandria, &c. &c. If Cicero had had all this he could not have kept his *exordia* cut and dry, as he is said to have done,—to say nothing of writing out whole orations. By-the-bye, when did they write their orations? I have a notion that Demosthenes, after the example of Pericles, wrote his before hand, and Cicero generally after. In the case of Milo, we know that he wrote after. Pliny, the younger, says that he himself, used to write his own immedi-

ately after delivery, while his mind was yet warm with the subject. Did Erskine write his, or were they written for him? By-the-way, they are most excellent,—these speeches of Erskine's. I had occasion to read his defence of Hadfield when I was last in Baltimore. There is a power of discussion in it which greatly raised my opinion of him. Added to this intrinsic power of his speeches, the power of delivery *ut supra*,—he must have been a most puissant wight. —— But I am off from your proposition.

"As to writing off speeches,—can this be done, except as Pliny did it,—immediately after delivery? I doubt the practicability of doing it faithfully at any distance of time. It must be done whilst the mind is yet tossing with the storm, and before the waves have lost either their direction or magnitude. I delivered what I thought quite a respectable speech about a month ago, but I was obliged to follow it up immediately with a host of minor subjects, and thus all the impressions of the first were obliterated. I could sit down and write a speech on the same subject and in the same general current of argument—but this is all; and this is not worth while.

"There is sometimes a good deal of unfairness in this business of writing speeches. A man who has exposed himself to a palpable hit in an argument, and has received it, is apt to take care to withdraw the occasion in the speech which he prepares for publication, and thus give his adversary the appearance of having gone out of his way to give him an unprovoked thrust; or he will, in his prepared speech, alter the occurrence in some way so as to diminish the poignancy and felicity of the reply. In the 9th vol. of Wheaton you will see a faint illustration of this. When Emmett introduced his "Quæ regio," in the steamboat case, there was not the slightest allusion to the despondency of Æneas in the original. On the contrary, any one would have supposed, from the manner of the quotation, that Æneas had uttered it on some occasion of triumph. The contrast of the occasion was heard, for the first time, in the reply. But in the printed report you will see that he suggests that contrast. So, that even our good friend Emmett could not resist the temptation into which this business of writing out speeches is sometimes apt to lead us.

"After all, if I can find time and inclination this summer, I will try my hand as you propose—*sed, multum quære de hoc*—not, believe me, with any vain, silly expectation of being 'cited hereafter in disquisitions on the sublime and beautiful'—as you jocularly suggest, but for the gratification of such of my friends as may feel any curiosity about me.

"'Think of becoming rich,—having leisure, and writing!'—To be sure I do. Why should I not? 'A hundred or two years of life'—you think—'and I might do all this.' Why, sir, how old do you take me to be? I ask but three score and ten of life and health to do it all. As to my being very rich—I have no wish for it. But I must feel that my death would leave my family independent, or I could not write with any heart. If I could secure this point, I know nothing that I should enjoy more than to tell posterity what I have seen and heard—though, possibly, as Voltaire said of Rousseau, my letter might not come to hand."

This brief dissertation upon the writing out of speeches, belongs to an age in literature which is passing way. The present generation scarcely realize the importance which seems to have been given, in past time, to this preservation of the orations of distinguished speakers. There is no branch of literature which is so surely destined to the back shelves of the library as this. There are very few orations of the forensic character, or even of the parliamentary, which possess sufficient interest to procure them to be incorporated in the literature of a nation. It may sometimes occur, indeed, that their relation to a great historical event, or their subserviency to the illustration of some great code or some attractive part of a code of public law, may give them a foothold sufficiently stable to preserve them as objects of value to posterity. Speeches in the elucidation of art or science,—which thus partake of the character of lectures,—some occasional portraitures of renowned men, some discourses on the policy of governments, may, from the value of the subject and the felicity with which it is treated, be brought into the category of things to be kept, multiplied and delivered to after generations. But such productions of mind derive no value from their having been spoken, and will no further be thought worthy of preservation

than as they may prove to be successful exhibitions of the power of good thinking and good writing. They will be appreciated, according to their deserts, as essays or treatises, not as speeches.

A speech written out, if reported in the actual language of the orator, is generally a verbose, redundant and overloaded discourse, glowing, it may be, with impassioned language, abounding in fervid thoughts, scattering flowers of wit and sentiment along its path, warming the imagination with brilliant figures, and charming with happy terms of expression; but it is, at the same time, as every one must feel, the language which has been on the lips of an actor, a thing that has been played; and it is rescued only from the judgment of a severe criticism, by the reflection that it may not fairly be subjected to that ordeal, whilst it is detached from the circumstances of time, place and occasion of its delivery and the adjuncts of the orator's voice, person and manner. To deal with it otherwise, would be as unfair as to pass judgment against a song without hearing the tune which has given it its chief popularity.

A speech, not written in the words in which it was pronounced, is no speech. It is a discourse upon the same subject, and will stand or fall upon its merits as a literary composition. No allowance is to be made, in such a case, for the faults or pruriencies, which escape censure, only, when it can be pleaded for them, that they are the inevitable overflow of a mind too vividly at work to restrain the abundance of its current. It will be measured by the standard which is applied to the productions of the closet, and whatsoever is merely oratorical in it will be regarded as an offensive superfluity. We relish a speech, whilst the occasion that has produced it is fresh upon our minds;—still more, if we are well acquainted with the orator and can picture to ourselves his gestures, tones of voice and expression of face. We are captivated by the glowing extravagances, even, of his expression, his quick and appropriate repartee, his detection of the dexterity and craft of his opponent, who had laid an ineffectual snare to entrap him. We see in all this the action of the play, and as long as we find an interest in the contemplation of these conditions and environments—to use a phrase which has recently come in vogue—of the speech and the orator, we take pleasure in it as a speech. But when these topics of interest fade away from it;—when the occa-

sion is forgotten; the man no longer remembered, when the public has ceased to talk of it, and years have intervened,—how few speeches retain their raciness! In general, nothing is more dull, as matter for continuous reading, than a volume of orations. They are but monuments of labor, which, for the most part, serve no better purpose than to transmit a well engraved portrait of the orator to the next generation, with a heavy, but,—as the world is willing to allow,—authentic certificate of the great consideration and esteem in which the original was held amongst the men of his own times,—how faithfully he toiled, how deeply he thought, and how much he said. Judicious readers are apt to lay aside such volumes with the reflection, that if the orator had employed the same labor in well written books, upon subjects wherein he was capable of giving instruction, his fame would, peradventure, have secured to itself a longer flight.

I have little now to offer in the way of biographical detail, during the present and the ensuing years—1825 and 1826,—beyond what is supplied by the letters of Mr. Wirt, which, written principally to the members of his own household, deal with matters of trivial interest and personal concern, and which represent him under the amiable relations of domestic life, planning the education of his children, contributing to the happiness of the family circle by the unrestrained utterances of a mirthful temper, or occasionally giving expression to those sentiments of religion and piety which were taking deeper root in his heart and exercising the most benignant influence upon his character. We may observe him at this period of his life under circumstances which are greatly calculated to enhance our estimate of the general success of his career. He was now in his fifty-fourth year. He had enlarged the sphere of his acquaintance with the world, its business, and its cares, and over its pleasant points of communion, almost to the widest verge which it attained during his life. Friends were multiplied, and honor, public applause, reverence, and the full contentment of useful labor, now greeted his advance to the confines of age and promised the delights of all worldly blessings upon the evening of his days. Softened rather than made proud by these dispensations of good, his mind was assuming a richer tint from that mild and mellow radiance which a sensibility to religious convictions imparts to a thoughtful nature.

We have had frequent occasion to notice in his letters, the gradual progress of this sentiment from youth to manhood and from manhood towards age, ripening, with the lapse of years, like wholesome fruit, whose flavor is all the richer for the slow and natural development of its growth. It is pleasant to contemplate this certainty of progress with which a healthful mind advances to the maturity of the opinions and beliefs, in which old age most surely finds perfect tranquillity and content of soul to enable it to await cheerfully its final translation hence. We recognize his appreciation of this highest and purest philosophy of human life, in many of Mr. Wirt's letters, but more in those which were written from this period. In the following extract he does no more than justice to one of the blandest lights of the christian world, whilst he shows how much of its lustre radiated in his own heart.

"I bought, the other day,"—he says in a letter to his wife,—"a copy of Watts' Psalms and Hymns. Do you know that I never think of this man, without such emotions as no other human being ever inspires me with? There is a loftiness in his devotion, and an indifference, approaching to contempt, for the praise or censure of the beings of this nether world, which is heroic and sublime. It is so awfully great that even old, surly, growling Johnson, with all his high-church pride and arrogance, felt its influence and scarcely dared to whisper a criticism in his life of Dr. Watts—which is a curiosity in this particular. What a soul of celestial fire, and, at the same time, of dissolving tenderness was that! How truly did he devote all the faculties of that soul to the contemplation of the glory of God and of the Saviour! He was, indeed, 'ever journeying home to God,' and seems to have stopped half way between earth and Heaven to compose this excellent book. He was a rapt soul, and I never feel my own worthlessness half so forcibly as when I read his compositions and compare my spirit with his."

He adds, in the same letter, with a playfulness that was characteristic, and which seems to spring to the surface of his thoughts, even in their gravest mood:—"I wish I had bought that copy of Dr. Watts' Works, in five volumes, quarto, which French once had for sale. I would have bought it,—but, it occurs to me that either Mr. Post or Mr. Rice told me I could get the book cheaper in Philadelphia. So, I postponed it for a better opportunity,—

like some girls who wait for a better match, and reject the present offer of a good one. I don't mean you, my dear L. (his daughter): I have no fault to find with you, now, in this or any other respect."

During his July and August holiday, Mr. Wirt made a tour with a portion of his family to Old Point Comfort, Norfolk, Richmond, Charlottesville and the White Sulphur Springs;—a tour of great refreshment to him, not only as it served to renovate his health, but even more in the opportunity it afforded him to meet old and cherished friends, whose habitations lay along the whole path of his journey. Whilst at Charlottesville, he made a visit to Mr. Jefferson; his last visit to Monticello. The venerable tenant of that mountain home, was then suffering under an acute disease which, added to the natural infirmity of age, was rapidly bringing him to the appointed term of his days.* He died within the year from this date. The meeting, we may believe, was of melancholy concern to the Attorney General. It was the visit of a pilgrim, not to an empty shrine, but to an ancient hearthstone, where the friend of his youth yet inhabited, and where many vivid memories yet lingered to bring back the images of the past, now saddened by the thought that the brittle chain of a great life was soon to be broken, and, with it, almost every surviving association which gave interest to the place.

Whilst Mr. Wirt was at Charlottesville, the Marquis de La Fayette was a guest at Monticello. A dinner was given to him at

* The writer of this Memoir visited Monticello within a few weeks after the period referred to in the text. I was accompanied by a friend, and had a letter of introduction from Mr. Wirt. I had never seen Mr. Jefferson. It was a hot day in July, when we reached the top of the mountain, and entered the spacious hall of the mansion. We presented the letter to a lady of the family. Mr. Jefferson had been very ill with a recent attack of his malady, and therefore excused himself from receiving company. There was a large glass door which opened upon the hall, and separated Mr. Jefferson's apartments from it. Whilst we sat in this hall, a tall, attenuated figure, slightly stooping forward, and exhibiting a countenance filled with an expression of pain, slowly walked across the space visible through the glass door. It was Mr. Jefferson. He was dressed in a costume long out of fashion—small clothes, a waistcoat with flaps, and as it struck us, in the brief view we had, some remnants of embroidery. The silence of the footfall, the venerable figure, the old costume, and the short space in which that image glided past the glass door, made a strange and mysterious impression upon us. It was all that I ever saw of the sage of Monticello.

the University, and the Attorney General was one of the company.

"We have had a great day,"—he writes to Mrs. W., on the 20th of August 1825,—"I dined, by invitation, with the Marquis at the University, and was placed on his right hand; and I, too, was toasted. They wanted me to make a speech, but I am *principled* against it. So, I merely expressed my thanks for the unexpected honor they had done me,—told them that, although a public speaker by profession, I had not been accustomed to speak in my own cause, and begged them, in lieu of a speech, to accept a toast,—which I gave them. La Fayette who had been toasted, had merely returned thanks in so many words and given his toast; but my friend Monroe, who was also there, had, upon being called out in his turn, made a speech—and not one of his best. I was thought to have made a great escape."

I close this chapter with a sketch of a distinguished foreigner who visited the United States in this year, and who will be remembered for the kindly tone of a volume subsequently published by him containing the impressions made by his visit.

TO MRS. WIRT.

"Baltimore October 30, 1825.

* * * "I dined yesterday with the Duke of Saxe Weimar, at Mr. Oliver's. He is about a head taller than myself, with a nose *retroussé*, and features a good deal like ——'s, not fair and auburn-haired, however, like ——, but with a sallow complexion and dark hair; no redundant fat, but brawny, muscular, and of herculean strength. He is about thirty-five years old, and looks like a Russian, or one of those gigantic Cossacks. I dare say he makes a magnificent figure in uniform. He speaks English tolerably well; yet he has that apparent dullness of apprehension, which always accompanies a defective knowledge of a language, and which renders it rather up-hill work to talk with him. He sat between Oliver and Mr. B., neither of whom seemed to be able to find him in talk. T., who, you know is a pious Roman Catholic, as well as a most amiable gentleman, said, 'Come, Mr. B., Mr. Wirt and I sit side by side quite enough in

court, let me change places with you;'—his object being to amuse the Duke. The change was made and T. and the Duke got into a side talk. The Duke was soon observed to speak with a most 'saracenical and vandalic' fury, and, as I was afterwards informed, was pronouncing a phillipic against the Roman Catholic religion, which he blamed for all the political conspiracies in Europe. T. soon took occasion to tell him that he was himself a Roman Catholic. This produced some embarrassment, but the Duke got over it. T. changed the subject to the war, in which the Duke had figured—particularly at Waterloo; and unluckily, asked the Duke about Blucher. Now, Blucher, it seems, had on some occasion, gone into the Duke's territories, and was exacting contributions from his subjects, which the Duke hearing, had him put in prison. So, here was a new *contre-temps*, and as there was a general pause at the table, I attempted to relieve it by asking the Duke another question, which contributed to increase the difficulty. I dare say he wished himself amongst the wild boars of the forest of Westphalia."

CHAPTER XI.

1826.

CHARACTER OF HIS CORRESPONDENCE.—IS APPOINTED PROFESSOR OF LAW, AND PRESIDENT OF THE UNIVERSITY OF VIRGINIA.—DECLINES.—LETTER TO HIS DAUGHTER.—COMMON SENSE AND GENIUS.—DEATH OF ADAMS AND JEFFERSON.—WIRT APPOINTED TO DELIVER THE EULOGY UPON THEM.—LETTER TO POPE.—APPROACH OF OLD AGE.—DELIVERS THE DISCOURSE ON ADAMS AND JEFFERSON.—ITS RECEPTION AND CHARACTER.—LETTER TO BENJAMIN EDWARDS, CONDOLENCE.—LETTER TO JUDGE CABELL, PRESENTING THE DIFFCULTIES IN WRITING THE DISCOURSE.

I HAVE now great numbers of letters written from this period of the life of Mr. Wirt until the close of it. They form a most interesting collection worthy of separate publication. They are mainly written to members of his own family, and overflow with wholesome instruction communicated in the most pleasing forms, kind and wise counsels, playful gossip informed by a matchless kind-heartedness, grotesque and whimsical conceits to amuse his family fireside, grave dissertation often, and everywhere breathing the spirit of an earnest, profound and hopeful christian temper.

His days were devoted to hard work—harder than heretofore—cheerfully, and always patiently performed. This found a short intermission at midsummer, when the vacation of the courts allowed him to travel for health and recreation. In his working time, his choice amusement seems to have been the employment of his pen in this friendly correspondence. I have not space for a tythe of these letters. My selections shall be confined to such merely as may contribute to forward the personal history I am writing; such as may show the track of his life, develope his character, illustrate, now and then, some opinion, or tell us what he has done or means to do. Even from the few I shall present with this purpose, I shall, sometimes, only give extracts. He did not, as the reader has had abundant reason to know, write his letters with any expectation that they were ever to be put in print. They ramble over the lightest and the gravest topics, and digress,

sometimes, so rapidly from one to the other, utter his opinions with such unmasked freedom, and sport through such a field of odd and amusing fancies, as often to bring to our remembrance the eccentric drolleries of Tristram Shandy, and to convince us that the rich vagaries of the amiable and witty Yorick found a kindred soil in the mind of the letter-writer. A correspondence thrown off in this temper will, of course, exhibit many inaccuracies of style, some crudities of opinion, perhaps, something of what in other circumstances would be called egotism, something, also, that the world might consider vanity of opinion—but they will display the true man. A perusal of these letters convinces me that no man might, more fearless of scrutiny or public censure, throw all his secret thoughts and his most unguarded feelings and sayings open to the world than William Wirt.

Before I pursue this correspondence, I have to note an incident which occurred early in the present year, and which bears honorable testimony to the estimate made of the legal and literary accomplishments of the Attorney General, by a learned body which was, at that period, peculiarly illustrious from the distinction of those who composed it.

On the 6th of April, 1826, this letter was addressed to Mr. Wirt from Monticello.

DEAR SIR:

I have the pleasure to inform you that, by an unanimous vote of the Rector and Visitors of the University of Virginia,* you have been appointed Professor of the School of Law in that Institution. To no one, I can assure you, is that appointment more gratifying than to myself; and I may further say with truth and for your satisfaction, that your name was amongst the first which occurred to some of us at the epoch of the original nomination, was the subject of consultation, and would have been that, probably, of first approbation, but from an absolute despair of your relinquishing for this, the higher station you occupy. Some suggestions, however, having lately reached the Board that this might, possibly, be less desperate than was apprehended, they have, with a

* The record of the proceedings which accompanied this letter, stated that the members who gave this vote, were, "Thomas Jefferson, Rector, Joseph C. Cabell, John H. Cocke, Chapman Johnson and James Madison."

view to strengthen inducements to your acceptance, created an office of President of the University, with an annual salary of fifteen hundred dollars, and appointed you to that office also. Their resolutions to these effects I have the honor now to enclose; and the public impatience to see the school of law opened, makes it my duty to say that an answer, at your earliest convenience, will heighten the gratification of your acceptance. Permit me to add the assurance of my great and constant esteem and respect.

THOMAS JEFFERSON.

The resolutions which accompanied this letter, conveyed a very striking compliment to the individual to whom they refer, and one of very unusual occurrence in similar institutions, as will be seen in the last of a series adopted on that occasion:

"*Resolved*, That William Wirt, at present Attorney General of the United States, be appointed President of the University and Professor of Law; and that if he decline the appointment, the resolution establishing the office of President be null and void."

The reply to this letter was as follows:

TO THOMAS JEFFERSON.

WASHINGTON, April 8, 1826.

DEAR SIR:

I hasten to acknowledge your favor of the 6th inst., just received, by which I have been both pained and gratified. I beg you to be assured that I had no agency, direct nor indirect, in giving this trouble to the Rector and Visitors of the University of Virginia, and I regret exceedingly the suggestion that led to it. I am very sensible of the kindness of the motive which prompted my friend to make the suggestion, and I shall never cease to remember with grateful pleasure this mark of confidence, from those whose confidence is, in my estimation, above all earthly price. But with very strong prepossessions towards the course of employment proposed to me, my situation compels me to decline it, and to resign myself, perhaps for life, to the more profitable labors of my profession.

* * * * * * *

With the most grateful acknowledgments to the Rector and Visitors of the University of Virginia for the honor done me by an offer so flattering in all its circumstances, and with the deepest sense of your personal kindness to me, dear sir, on this and every other occasion, I remain, as I have ever been,

Your faithful and devoted servant,

WM. WIRT.

We return now to that topic from which this incident had led us to digress.

It seems to have been the aim of Mr. Wirt, in his correspondence with his children, not only to invite the most unrestrained confidence in their intercourse with him, but, also, to encourage habits of reflection upon grave and useful subjects, and thus to stimulate their ambition to the highest order of studies. In the following letter, which was drawn forth by some inquiry from his daughter, the reader will smile at the earnestness of the dissertation which is apparently so elaborately worked out for the benefit of a young lady not yet entirely emancipated from the charge of her teachers. He will be struck also with the random playfulness with which a metaphysical question is familiarized to the mind of his youthful correspondent.

TO ELIZABETH WIRT.

BALTIMORE, May 18, 1826.

* * * It is after mail hour to night, but it is not yet bed time,—and so, I think I will employ the interval in holding a little discourse with you.

First and foremost, I desire to thank you for your very flattering compliment to my nonsense. I beg to put you right in one particular however. That same "straight forward, broad road of common sense," which you seem to think so crowded, is as unlike "the broad road that leadeth to destruction," in the number of its travellers, as in the termination to which it conducts them. It leads to peace and safety, and few there be that travel it. It is a perfect desert, with, here and there, only a straggling passenger. Common sense is a much rarer quality than genius.

This may sound to you a little paradoxical at first,—but you will find it true. And there is quite as much counterfeit common sense as counterfeit genius in the world. Mere eccentricity, animal spirits and impudence often pass for the last, and a leaden dulness for the former. But I am comparing not the counterfeits but the genuine diamonds: and I do aver that for one *diamond of common sense* that you can show me, I will show you twenty merchantable diamonds of genius. If you will reflect a moment on the number of faculties which must necessarily enter into the composition of common sense, you will not be surprised at the fact. For common sense is not, as superficial thinkers are apt to suppose, a mere negative faculty—it is a *positive faculty* and one of the highest power. It is this faculty that instructs us when to speak, when to be silent, when to act, when to be still;—and moreover it teaches us *what* to *speak* and *what* to *suppress*, *what* to *do* and *what* to *forbear*. Now, pause a moment to reflect on the number of faculties which must be combined to constitute this common sense; a rapid and profound foresight to calculate the consequences of what is to be said or done, a rapid circumspection and extensive comprehension so as to be sure of taking in all the circumstances which belong to the case and missing no figure in this arithmetic of the mind, and an accuracy of decision which must be as quick as lightning, so as not to let the occasion slip. See what a knowledge of life, either by experience or intuition, and what a happy constitutional poise between the passions and the reason, or what a powerful self-command all enter into the composition of that little, demure, quiet, unadmired and almost despised thing called common sense. It pretends to no brilliancy, for it possesses none; it has no ostentation, for it has nothing to show that the world admires. The powerful and constant action of the intellect, which makes its nature, is unobserved even by the proprietor; for every thing is done with intuitive ease, with a sort of unconscious felicity. See, then, the quick and piercing sagacity, the prophetic penetration, the wide comprehension and the prompt and accurate judgment which combine to constitute common sense, which is as inestimably valuable as the solar light and as little thought of. Now, turn to genius; analyze it, and see how many *useful qualities* enter into *its* composition. Genius, what is it? a fever of the brain—sparkling with delirious brilliancy; a nocturnal

exhibition of fire-works in a state of rapid metamorphosis :—now it is a horizontal hoop turning and whizzing and cracking and shooting off its lateral spouts of fire; and then, with a louder *crack*, it becomes a fountain, a *jet d' eau*, pouring up a roaring flood of fire which parts at the top and falls off on every side, like a weeping willow composed of pencils of descending sparks; then crack! it becomes a vertical wheel, and away it goes round, round, round, whiz, whiz, crack, whiz, whiz, crack, crash, crack—and then the foolish mob, laugh and clap their hands and huzza! huzza! and the heart of the foolish exhibitor is proud. Such is genius!—And then it plays at blindman's-buff and moves about as confidently as if it had its eye sight; then bump goes its nose against a mantlepiece and then the blood flows; it turns in a different direction and smack go its shins against a sofa, and blood flows again; it cries, "O dear," changes its course, with outstretched arms and thrusts its fingers into a neighbor's eyes; it cries "O dear" again, drops its hands and they are seized by a dog; it picks up what it supposes to be a stick to strike the dog, and it proves to be a rattlesnake which stings it to death—and such is genius! Anon, you will find it risen from the grave like a vampire and going forth to the brow of a hill to behold the beauties of the rising sun and running forward with rapturous exclamation till it pitches over the brow of the precipice;—then reclining on the bank of a river and weeping with idiot sorrow at the forest on the other side, embrowned with autumn, and the seared leaves falling with every breeze.—"Alas what an emblem of frail humanity!"—Next rushing with maniac fury up the sides of Mont Blanc, perilling life at every step among the roar of falling glaciers and the yawning of frightful fissures,—all to see the summit of Mont Blanc! Then, lying along on a tombstone in a country church yard, listening, with half closed eyes, to the drowsy beetle and marking the weary ploughman as he plods his homeward way, and dreaming of elegies and epitaphs, until the night dews come to bring fever and death:—and such is genius! Then, sitting among the ruins of Palmyra, to hear the jackall scream as he digs the graves for his wonted repast, rapt in a vision of long past glory of Babylon and Memphis and Egyptian Thebes. Or seeking for glory itself, in discovering in a reverie of Chaldean astrology and astronomy, the sources at once of the Pagan Mythology and the Christian revelation; and then

going home to die under the stroke of the guillotine, or to rot in a prison, or to perish in the streets in vile and inglorious poverty and contempt. Or traversing the burning sands of Africa among growling tigers, and famished lions, and serpents of stupendous length, to look for the sources of the Nile and the Niger, and perishing, far in the interior, among savage negroes, by a death as obscure and impenetrable as the sources of the rivers which it died in attempting to explore. Behold the reward of impulsive genius! "Oh Genius!" as a friend of mine once said of a friend of yours, "forgive this feeble attempt to portray thy beauties!"

"Surely you are not in earnest in decrying genius at this rate?" Indeed I am. Of itself it is a mere bedlamite: but combine it with common sense, and you make it a radiant seraph. That is the union which my soul delights to honor. Unite genius with common sense, and I care not what capers it cuts nor into what apparent dangers it plunges. It may pitch down the cataract of Niagara, or rise on the spray and laugh among the mimic rainbows. It may spring up with the lark that sings "at Heaven's gate,"—or shoot with meteor blaze across the wide expanse—or belt the globe in a minute with Ariel,—or thread it through the poles with Captain Symmes—or leap into the crater of a volcano with Empedocles,—or dance among the merry streamers of the Aurora Borealis till midnight,—and then pillar its head on the southern cross—and come down in the morning on the back of one of Southey's blue winged what-you-call-ums [I forget the name—*glendoveers*] so that I distinctly see common sense by its side all the time, I should feel no fear of any mishap.

So, here we are, upon *terra firma* again! With regard to the aforesaid *extravaganza*, all I have to say about it is—"accept" extravagance "instead of wit." The long and the short of the affair is,—put common sense at the helm, and genius may fill the sails till the canvass cracks—all's safe:—but put genius at the helm—and a zephyr will do the business. The richly freighted argosie is soon upon the rocks and its treasures cover the waves. Do you understand the *morale* of all this? The fact is, you have two sides to your head, and you are in a *ruinous* mistake with regard to their relative value:—you are caught with the tinsel glitter and slight-of-hand tricks played by the one,—and you despise the plain

bullion of the other. Perish, perish such a mistake forever!—genius may make us admired, but it is common sense alone that can make us respected. Believe me, this is not "philosophy and nonsense," my dear daughter; it is Heaven's truth,—and I pray you to believe it. Be as gay and animated and brilliant and captivating as you please: but let it be seen that all these spirited graces are perfectly under the command of strong common sense, and the admiration and respect will be equally unbounded. Was it ever your good fortune to see "the grand entrée of all those beautiful horses?"—and did you not mark how, amid a thousand apparently hair-breadth escapes, the most intricate, difficult, and beautiful evolutions were executed, with a rapidity which seemed to defy all notions of concert or command?—with what spirit, what grace, what beauty, they involved and evolved themselves, in every possible variety of combination—and all without the slightest confusion, without a single jar, every horse turning and wheeling at the point of danger, at the slightest touch of the rein? That is a fine symbol of the conversation and action of genius and common sense combined—genius supplying the *impetus* and common sense the *tact*. M. M. was a girl, spirited and gay to volatility, bounding along with the agility and grace of the antelope, free, excursive, full of point and brilliancy,—running, leaping, flying through all the mazes of thought and action, with a quickness and versatility which you would suppose had double distanced common sense and left it out of sight,—yet did you perpetually see that mentor by her side, and she was safe. You would sometimes think that she was rushing upon some ruinous mistake, but she would turn with the happiest tact, at the point of danger, and fill you with new wonder at the talent which could thus escape. I have seen other animated and brilliant girls who were perpetually getting themselves into scrapes—committing indiscretion upon indiscretion—hitting people upon their tender points—continually repenting and continually blundering. This was for the want of common sense—yet they were as vain of their genius as the stag in the fable of his antlers, and despised mere common sense folks, as the aforesaid stag did his feet; but their genius was perpetually getting its antlers entangled among the thickets of indiscretion, while common sense ran safely forward

upon its feet. Have you got enough of it, and will you profit by it?—tell me that. 'Tis bed time—so, good night.

Your affectionate father,

WM. WIRT.

The fourth of July in this year 1826, has been made memorable, above all other returns of the great national anniversary, by the most remarkable incident, of its kind, in this or any other country—the death of John Adams and Thomas Jefferson. Those two illustrious men died on this day, at the termination of the first half century since the Declaration of Independence. They were the two individuals who constituted the sub-committee appointed to prepare the declaration, by the committee of five to whom that duty had been confided by Congress, and, together with Charles Carroll of Carrolton, the only survivors, at this date, of that illustrious Congress itself. They had both been presidents of the United States. They were each the leader or chief respectively of one of the two opposing political parties which, from the organization of the government, had divided the people, through a long and bitter antagonism. They had now each passed beyond the limit of fourscore years,—Mr. Adams, indeed, beyond fourscore and ten,—and outliving the animosities and passions of their earlier time, had advanced into the evening of their days in kindly communion, which was sustained in a long and frequent correspondence by letter, unalloyed by a single harsh remembrance or ungentle recurrence to the past. Great preparations had been made everywhere to greet this anniversary with peculiar congratulation, as the termination of the first fifty years of national independence and national happiness. Amidst these rejoicings in the general holiday, celebrated with an unusual display of pageantry and observance, the two patriarchs of the Republic, each at his own home,—one in Massachusetts, the other in Virginia—took their departure from this sphere. It seemed as if by some special bounty of Providence, that, in this universal jubilee—of which they only, amongst living men, were the authors—their spirits were permitted to be lifted upon the voices of grateful millions to that throne before which the nation was bowed in the worship of thanksgiving.

The country could scarcely believe the tidings of this extraordinary event, which, in a few days, sped from state to state, from city to village, and from village to each rural homestead—so strange and even miraculous seemed the dispensation. It became, itself, an event for celebration, and was commemorated in many places by public meetings and orations. At the city of Washington it was determined to signalize it by a public assemblage of the citizens of the Capital and the functionaries of government, and by an appropriate eulogy on the illustrious dead. The day appropriated for this ceremony was the 19th of October, being the anniversary of the surrender at York and also of the birth day of Mr. Adams. The Hall of Representatives in the Capitol was designated as the place for the celebration. Mr. Wirt was selected by the committee to pronounce this eulogy. Fearing, at first, that he might not be able to do full justice to the subject in a joint eulogy, he accepted the invitation, with an understanding that he should confine his discourse to Mr. Jefferson, with whose life he was most familiar, and that another speaker should be procured for the same occasion, who might do equal justice to Mr. Adams. Mr. Everett was thought to be best qualified for this duty, and was, perhaps, asked to perform it. A second thought, however, seems to have brought the committee to the determination to insist upon their original plan, and Mr. Wirt consented to comply with their wish.

We shall see some reference to this arrangement in the next letter.

TO WILLIAM POPE.

WASHINGTON, July 24, 1826.

MY DEAR POPE:

I owe you so many letters that I shall never be able to pay you, and you will either have to spunge the debt, or be content to take sixpence in the pound.

My daughters, L—— and R——, and myself leave this place on Wednesday next, in the steamboat, for Richmond (by the way of Norfolk) where our carriage and horses will meet us, and we shall there take up E—— and move off on Monday the 31st July, in the afternoon, to Powell's, and so on, *via* Goochland

Court house and Mrs. Tinsley's, to Charlottesville and the Springs. This is our present plan. Barring accidents, we shall certainly be in Richmond on next Saturday morning; and as we are late in the season for the Springs, my desire will be to move on as I have already stated—though we may *possibly* be detained a day or two longer in Richmond. I take a carriage and a saddle-horse for the girls to rest themselves occasionally; so that if you could join us *on horseback*, you would always have either myself or one of the girls to parley with by the way, on horseback, too. I need not tell you how happy I shall be to encounter you.

I am delighted to find that you still keep up your fine spirits.—What a treasure it is to have them! I would not exchange them for the moping and anxious wealth of all the misers in the land. But is it not hard that we are to live thus asunder—to have lost so many years of friendly mirth and hilarity—and never to see each other except by a casual *rencontre* for a moment on the road—even this not "'till youth and genial years are flown, and all the life of life is gone?" Why, what a life it is! Before we can turn around three times we are old—and the servants call us "old master"—and we hear our fellow travellers alluding to us as "the old gentleman"—and the girls look away from us to ogle the boys, and tell us, as plain as looks can speak, that they would none of us:—and yet it was but the other day that, when a fine girl was the word, no boys in the land could stand before us. What is the meaning of all this? I have not had my share of life's banquet yet—at least, my appetite is not satisfied. I cannot say with Lothario, "sated with the delicious banquet I arose:"—on the contrary, I consider myself as just fairly set in. And to have the dishes removed while the edge of appetite is yet so keen, is treating me rather too much like Sancho in the island of Barataria, to be agreeable to my taste. Plague on them all, I say!—I am not old. Is a man old at fifty? Why, Mr. Jefferson was fifty when he resigned the Secretaryship of State—and he was then not more than half way in his race either of enjoyment or glory. Surely a man is himself the best judge whether he is old or not—and I seem to myself to be quite as young as I was in 1802, when they made me a Chancellor—and when I was certainly a beau of the first magnitude—with no lean wardrobe either—witness the black silks, in which you paid your *devoirs* to Miss

Lucretia McTabb, in the old lodge.—"No more o' that, an you love me Hal!" This fancy they have, of my being old, and treating me with the reverence due to age, is really quite diverting sometimes—and I catch myself laughing in my sleeve at their mistake. It reminds me of a character in Terence, assumed as a mask for better sport. But the drollest part of the business is that my looking-glass seems to have fallen into the same mistake, reflecting grey whiskers, and a wrinkled forehead, and hair growing thin on the top and on the crown of the head. This is carrying the joke rather too far, seeing there is no one by, but myself, to enjoy it;—and it is not so cooked to my taste as to give me any sort of enjoyment. All I shall say is, that if old age really has come upon me I have lost a great deal of time in bashfulness and ceremony, and saving appearances, that might have been better employed. If this is the whole of life, we have no time to stand shilly-shally on any occasion;—and instead of timidly touching D——'s finger behind the chair ("s'eat" says she!) our business is to take her boldly by the chin, at once, and *buss* her—"'till the ceiling echoes back the lusty smack." It is our business to make the most of our time, and to coin not merely our days and hours, but even our minutes, too, into happiness or glory. No standing back and blushing and stammering at the bar, for the first four or five years of our practice. No trembling and turning pale whenever we are called upon to carve a turkey or compliment a lady. We have no time for any such nonsense. We must make haste to live to the best advantage—and crowd into every moment, all of utility, honor, and enjoyment that we can. This is the only true economy for such an evanescent life. I fancy Mr. Jefferson made the most of his. Oh my dear Pope—there was living and dying for you! That was a life and death well worth coming into the world for! The comparison makes me melancholy. What the deuce have I been doing? The truth is, I thought there was no occasion for hurry—and that I might put off trying to be a great man, 'till youth and its honey-moon were over—and behold, before I have had time to say "Jack Robinson," my whiskers have turned grey! But never mind,—I have had some enjoyment, too—and have snatch'd a little bit of distinction, *en passant*, and by way of sport. The greatest distinction I have gained, having been gained by what was amusement

to me at the time. But what an *egotistical* letter am I writing to you!—However, *before I quit myself*, you may have some curiosity to learn that I have been nominated here to deliver a joint eulogy on Mr. Jefferson and Mr. Adams—that I have accepted the former and declined the latter, on the true ground of having never seen Mr. Adams, and being, therefore, unable to do him the justice which I could do to Mr. Jefferson—in consequence of which our citizens are going to write on and invite Mr. Everett of Boston to take the Adams part of the subject.

Can't you go to the Sulphur Springs? (which is a different affair from "will you come to the bower," &c.) Do try—you would have great enjoyment.—That, indeed, you can have anywhere—but you would be on a new theatre, with new actors at the Springs—and you will meet with some *characters* there, I promise you.

How is dear ——; give my love to her—and also to our trusty and well beloved Morris when you see him.

Farewell, dear brother Billy—'till we meet—which will be, I hope, in one week.

Your friend,

Wm. Wirt.

P. S.—I send you a newspaper, principally because I know your love for me will be gratified by one of the toasts.

The eulogy was delivered according to the appointment. This discourse was published and went through several editions. The committee who procured its publication, amongst other resolutions of commendation, passed one which responded very gratefully to the feelings of the orator, if we may judge from the interest with which he was accustomed to regard the subject to which this resolution directs us.

"*Resolved*, that the oration be particularly recommended to the youth of our country as containing a most chaste and classic model of eloquence, and at the same time furnishing the noblest examples of pure and disinterested patriotism, and of an expanded philanthropy, embracing in its beneficence all mankind."

This oration has been rendered by the occasion which produced it, too familiar to the public to make it necessary for me to say much about it. It has been variously criticised—with friendly

and unfavorable comment. Objection has been made to its ambitious and over-ornamented diction—a common topic of censure, with many critics, against Mr. Wirt's style. It has been charged with a defect of simplicity and strength, and as too indiscriminate in its praise of the great personages who supplied the theme of the discourse.

In the discharge of such a duty as was assigned to the orator, and at such a time, it is scarcely just to measure his performance by the rule of a severe judgment. In the overflow of feeling, at such a moment of national excitement, much may be pardoned to the orator who indulges the expression of ardent emotions in language more glowing than he would choose to employ in a cooler moment. Still greater allowance is to be made for the difficult achievement of exhibiting distinguished public men,—whose lives have been identified with the history of the parties they controlled,—under such a guise as shall, if not wholly conceal their distinctive party features, yet, at least, display them so faintly drawn or so artfully colored as to offend no rooted opinion of the present nor lingering prejudice of the past. Mr. Wirt, all will admit, very dexterously shaped his way through these impediments, and accomplished his object better than might have been expected. The discourse has many fine passages of thought and expression, inculcates a sound and wise philosophy, and is redolent with love of country. It is especially to be remarked for the amiable and pleasant pictures it presents of the two great fathers of the Republic, in those relations which the antagonism of political opinions could not affect. They live in the discourse, chiefly, as patriots, philosophers, patriarchs. The partisans of either may study these pictures with profit and may find space on the neutral ground which the orator has exhibited to them, to build an altar where every lover of his country may resort to kindle new flames of kindness and good will, to sacrifice the intolerance of party spirit, and to learn a lesson of mutual forbearance and wholesome self-distrust.

We notice in this discourse, a passing reference to the old topic of correspondence with Mr. Adams, which we have heretofore referred to as occasioned by the publication of the Life of Patrick Henry. Mr. Wirt endeavors to do full justice, as far as the occasion allowed him, to the character and claims of Otis as one of

the early champions of the Revolution. When speaking of the first impulses which moved Adams and Jefferson to the contest, he remarks—"Whether Otis or Henry *first* breathed into this nation the breath of life (a question merely for curious and friendly speculation) it is very certain that they breathed into their two young hearers, that breath which has made them both immortal."

This passage seems to have been prompted by the suggestions of the correspondence referred to, and expresses what I have heretofore attempted to shew, was, in truth, the only value of the point in controversy.

Taking leave of this subject, I resume the train of my biography as it is found in the letters.

A grave letter now of condolence, written to an old friend, whom the writer remembered still with the most reverential affection:

TO BENJAMIN EDWARDS.

ANNAPOLIS, October 22, 1826.

MY EVER DEAR FRIEND AND BENEFACTOR:

Ninian has been so kindly thoughtful as to send me Cyrus's letter of the 22d July last, from Elkton, (Illinois) announcing the sad bereavement you have encountered. The letter found me, about ten days ago, at Washington, whither I had returned from a long excursion to the South-western Springs of Virginia, for the benefit of my own health and that of one of my daughters; and it came to me at a time when I was most intensely engaged in preparing to meet a public engagement arising from the deaths of Mr. Jefferson and Mr. Adams. The shock which it gave me disarmed me for the day, and I would have poured out my heart to you at once, if my grief could have had any other effect than to increase your own. I reached this place about an hour ago, and although I have a cause now under argument in the Court of Appeals at this place, which demands my immediate attention, I cannot sit down to business until I have lightened my breast by giving you this evidence of my sympathy. Poor dear Mrs. Edwards!—it is now thirty-eight years since I first saw her at Mount Pleasant.—I was, then, in my sixteenth year, a volatile and thoughtless boy, looking

on the world and life before me, with all those brightening hopes and expectations of youth that painted it as a fairy scene whose pleasures would never end.—I am now old and gray, the illusion is long since over, and I have been taught, by mournful experience to know the world as it is,—a poor and miserable stage play, in which there is nothing of any value but those pure attachments which bind us to one another and those which bind us to our God and Saviour. If this life were all,—the former, sweet and endearing as they are, would be but poor things: they are "flowers of the forest" withered and gone very often before we have had time to know their value. I lost a dear boy, in his 19th year. Two years, this fall, he died far away from me, in France, where he had gone for his health. He was the pride and hope of my heart and family, and an object of admiration and love to all who knew him. My dear friend,—I cannot think of him, and never shall I be able to think of him, without tears. He was the third of my children I had lost. The two former in the tender and attaching age of infancy. But Robert was growing to be a man, and had displayed such a noble soul and mind, that I have said to myself a hundred times, if my dear old friend Mr. Edwards could but know this boy what an augury would he not make for *him*, who made so bright a one, on the inferior evidence presented by his father in the days of *his* youth! Dear Mrs. Edwards too—how kind *she* always was to me!—how respectful and tender to a poor orphan boy, of obscure parentage, who had no other claims to her respect and tenderness than those which her own native kindness suggested! How well do I remember her looks, her voice, her movements, her manners—the natural dignity, and excellent understanding, and unaffected warmth and tenderness of feeling that reigned in her character and conduct,—the pleasure and just pride with which she listened to your conversation, my dear friend, and enjoyed the admiration of the circle around you, of which I was one, and not less proud of you, myself, than if you had been my own father! The family sitting room at Mount Pleasant, the large and cheerful fireside, the lighted candles, the eloquent, varied and charming conversation, the fine healthy circle of children, the laugh, the jest,—Kelly,—myself,—how forcibly the whole scene stands revealed to me at this moment! And yet it is near forty years ago. Where are they all? through what scenes

have I, myself, since passed? And all our neighbors, the Lanes, the Gassaways, the Catletts,—only think of the desolation that has mowed them all down! Wm. Smith and his family, old Mr. Turner and his, and old Mr. Orme and his, and the Perrys,—all gone! Have you not been rather favored, my dear friend, to have been so long blessed with the society of your most excellent and beloved companion? Come, whenever it might, the blow must, indeed, have been most deeply felt. But, considering the fate of your old neighbors, and the certainty of that fate to all, has not Heaven been kind and merciful in suspending it so long? You enjoyed her society for near fifty-four years. The poor orphan boy you protected experienced the same bereavement before he was thirty years of age. And although your having lived so long together, must have drawn the cords the closer and made it more agonizing to sever them, yet the separation must at last have come. Has it not been merciful in Heaven to have made it for so short a time as in the ordinary course of nature it must now be?—for, according to the lot of humanity, it cannot be long before you will be reunited, to part no more. Both believers in Christ, and as faithful followers of his as you could be, to what a speedy re-union may you not look in that world of bliss where you will know sorrow no more. Strange, when we reflect upon it, that we should mourn such a separation at all! But our natural earthly affections cannot be extinguished either by reason or even faith; and that Being who knows our infirmities will not fail to look upon them with mercy and pardon. Mrs. Edwards' confidence in her interest in the Saviour, can leave no doubt of the happy change she has experienced, and it does not become us to mourn as those who have no hope.

* * * * * * *

I dare say, you have long since marked me down as having lost the heart of friendship I have always professed for you. Indeed, my occupations, I know, have subjected me fairly to this suspicion. But you, who know me as well as I know myself, will believe me when I assure you that I never think of you without the deepest feelings of reverence and gratitude; and though I have not been able to write as often as formerly, I have never ceased to regard you with the love and veneration of an affectionate child. I can now only pray to Heaven to strengthen and support you, and

to spare you for the sake of your dear family yet a few years longer; feeling, on my own part, the most perfect assurance that death, come when it will, will open to you the gates of life and restore you to your partner in the bosom of your Saviour. May I not have a place in your prayers? And will you not do me the justice to regard me as among the most affectionate of your children?

WM. WIRT.

The next presents us a view of the difficulties which the Attorney General encountered in the preparation of the eulogy, and some little restiveness under the criticism which it provoked.

TO JUDGE WM. H. CABELL.

WASHINGTON, December 5, 1826.

MY DEAR CABELL:

I had only time this morning to thank you, on the back of a letter I was despatching to the post office, for yours of Sunday, which had just come to hand. The fact is, you are a good friend and have a better head upon your shoulders than nine thousand nine hundred, ninety-nine and four quarters of the bipeds in human form that crawl upon this globe and are called *great*—and I only wish you knew the fact as well as I do. You praise like a man of sense; and, I believe, are as right in your censure of some of the figures as you are in your judgment upon the remainder of the characters. This may seem excessively vain in me, as we are speaking of a performance of my own; but I am not talking or thinking of what you call beauties,—I am thinking of the common sense of the subject. Some of the brainless admirers of Mr. Jefferson did, I am sure, expect me to have made a fool of myself, as you justly call it; and the political haters of Mr. Adams expected me to have made just as much a fool of myself on his subject.

* * * * * *

The truth is, the whole affair was a ticklish experiment; and I consider myself very lucky in getting over without falling in—not being much of a tight-rope dancer, nor a spear-walker, especially over "a torrent roaring loud." I am perfectly satisfied with the

judgment you and Carr and Taylor have pronounced upon the discourse; and would not exchange your suffrage for that of all Virginia together. I suppose you saw Taylor's letter. He is an excellent man; and being a little fastidious in the matter of composition, I consider it quite an achievement to have pleased him; especially on the points he selects for approbation,—the American spirit, principles, &c. With regard to the *beauties* we will let them pass. Beauties are the offspring of a mind at ease and happy with its subject; not of such caution and anxiety as I labored under, expecting an Indian ambuscade at every step. I do not know whether it struck you, but I fancy that if the essay had been the work of a stranger I could have seen, what is now manifest to me, that the author felt himself walking blindfold among red hot ploughshares. That is no frame of mind for the beauties of composition, which spring only on the sunny side of the wall in a secure shelter. The truth is, I felt generally so chilled by my apprehensions, that I feared the whole would be a frigid affair, and put force upon myself to raise flowers now and then—which, I dare say, betray their artificial character and have little of the bloom or fragrance of natural flowers. Hence *the volcano*—which I will strike out in any future edition. It is too late for the third, which is now in the press. Yet the thought was good. The artificial volcano (do you remember what an artificial volcano is?) compared with Ætna, is not a bad illustration of an attempt at this day, in cold blood, to fancy what a man situated as Adams was, did say in the heat of the moment, with the gallows and glory both before him. The thought, I maintain it, is good. It is only in the words that the bombast appears—"the petty competitions of an artificial volcano, to the sublime explosions of thundering Ætna." And yet, in the words I thought of the sound being an echo to the sense. Virgil's passage beginning, "Juxta *tonat* Ætna *minis*," is quite as sonorous if not more so. I am not prepared to plead guilty to the charge of extravagance in the passage "his voice running with brilliancy and effect through the whole compass of colloquial music." You are not so familiar with the *technicalities* of music as I am. Brilliancy and effect belong to that language; and I see not why a voice, rich in all the intonations and modulations that belong to animated and fascinating conversation, may not be said to run, with brilliancy and effect,

through the whole compass of colloquial music. The figure is perhaps faulty in being too technical—but I think a musician would scarcely object to it. What does Dabney Carr say to it? If he condemns it I give it up. I wish to learn and to treasure all objections, as it is my purpose to leave corrected copies of all I have written.

* * * * * * *

Well, I suppose you have had enough of the eulogy now, and I promise you that I shall not resume the subject hereafter;—of which I dare say you are very glad.

* * * * * * *

Have you had such a snow as we have had?—though there is now not much of it left. The old ones say we are to have a hard winter by way of *variorum*. By-the-bye, we have been talking of the winters growing milder and milder for some years back—but a very old lady in Annapolis remarked the other day, that this is the observation of persons who have seen only fifty or sixty years:—but she remembers that there were just such winters, in long succession, about sixty or seventy years ago;—and that on one occasion it was so warm that her family went into the porch at Christmas to drink their tea—which is a singular fact, and would seem to indicate that the seasons have a sort of *pendulum* reciprocating motion—though the pendulum must be a pretty long one.

Good night:—it is ten o'clock which is now my bed hour—'till the Supreme Court comes to break my rest.

Yours affectionately,

WM. WIRT.

CHAPTER XII.

1827.

TRIAL OF A MANDAMUS CASE IN BALTIMORE.—SPEECH GREATLY ADMIRED.—REV. MR. DUNCAN.—WIRT OBJECTS TO A REPORT OF HIS SPEECH.—LETTER TO JUDGE CABELL.—MARRIAGE OF HIS ELDEST DAUGHTER.—SETTLEMENT IN FLORIDA.—MR. MEREDITH.—LETTER TO HIM.—APPROACH OF THE PRESIDENTIAL ELECTION.—THINKS OF ESTABLISHING HIMSELF IN NEW YORK.—LETTER TO HIS DAUGHTER.—DEATH OF GILMER.—LETTER TO JUDGE CARR.

In May 1827, Mr. Wirt was engaged in a trial in Baltimore, which attracted great attention, and in which he made one of his most popular and felicitous speeches. A breach had occurred between the members of a Presbyterian congregation in that city—a schism upon some doctrinal question, which found a considerable body of adherents and advocates on either side. Mr. John Duncan was the pastor,—a gentleman of distinguished eloquence, of a very high order of talents,—a bold and earnest preacher, and of irreproachable life and conversation. He was, therefore, at this period, as he is still, a greatly esteemed and admired minister, with many followers and friends.

Without troubling the reader by an attempt to make him acquainted with the merits of the controversy, it is sufficient only to say that the chief point in dispute seemed to be,—to whom belonged the church property, especially—who was entitled to the possession of the pulpit, after this unhappy division in doctrine? It was popularly understood in the community where the parties lived,—and I speak upon no other authority than this common opinion,—that the majority of the congregation, with their pastor at the head, were, in fact, the dissenters from the ancient doctrine which was now maintained by the minority. The church had been built and the property purchased by the contributions of the congregation, of which contributions the majority had supplied the greater part. The dispute was sufficiently irreconcilable to

find its way into the courts and to be consigned to the guardianship of the lawyers.

The period of trial had now come round. The most eminent counsel were employed. On the side of the pastor and the majority, was Mr. Wirt. On the other side, was Mr. Taney, the present Chief Justice of the United States. The case was heard upon an application by the minority, for a mandamus to put them in possession of the property. The trial was before the court. The court room was filled to overflowing by an eager and excited crowd—composed, in part, of the members of the congregation; in great part, also, by ladies of the highest fashion and consideration in the city, attracted thither by the general interest of the cause and by the fame of the counsel. Seats were especially provided for them. It was the first time that the court had ever been honored by such a fair assembly. The interest, therefore, of the trial was greatly increased. The weather was exceedingly hot, and the court room much worse than the weather out of doors. This was the condition of things on the last day, when Wirt was to close the case before the court. The previous stages of the trial had provoked less interest, and were, therefore, without this extraordinary attendance of spectators.

"I had been told the evening before,"—says Mr. Wirt, in a letter to his wife, of the 10th of May,—"that the ladies had determined to come and hear me; but I had discouraged it, sincerely believing that they would find no interest in the discussion to requite them for the pain of such an attendance,—but they would'nt *take the point*. On opening, I gave them warning that the discussion would prove very tiresome, and that I should not feel the least mortified at their retiring whenever they should find it so.—This, of course, was to the Judge,—no mention of ladies,—but the intimation was indirectly and very intelligibly given, in terms as delicate, graceful and cautious as I could find. I did not expect them to stay half an hour, for having sat up almost all the preceding night, to make myself more thoroughly master of the cause, I had a head-ache, and was almost stupified. I had no idea that I should be able to do more than argue the cause drily like a lawyer. But, somehow or other, my faculties seemed to recover themselves by a sudden spring.—I never witnessed an audience more interested.—I spoke three hours when the exertion and the oppressive

heat of the room had so much exhausted me, that I had to beg the Judge for an intermission of a few minutes.——It was now one o'clock, and I was in hopes the audience would disperse, and leave me to finish my argument at my ease. But not a man or woman budged.

* * * * * * *

"Meredith begged the Judge, on my behalf, for an adjournment till the afternoon. The court was accordingly adjourned till half-past four. I made sure that I should then have a comparatively thin room and no ladies, and so make cool work of the sequel. * * When we re-assembled, instead of a cool, empty room, I was scarcely able to get to the door; and instead of no ladies, the number was doubled. I was dismayed,—for I came fatigued and worn down, and felt certain that I should lose all the laurels of the morning. But again, to my surprise, my mind recovered a fresh spring. I spoke an hour and a-half, and when I closed, there was a clapping of hands, as loud as you have heard in the theatre,—ladies and all, even one of the judges joining in it."

This is his own account. The speech is well remembered in Baltimore for its wit as well as its eloquence. Never was a dry legal subject lightened and relieved, whilst it was most fully discussed, by more brilliant flashes of the finest wit and humor, or adorned with a richer eloquence. The public conversation was full of it for weeks afterwards. The newspapers attempted to preserve some of the happiest hits; but, as in all such experiments, only half preserved them—necessarily giving them without the accompaniments of the context, the manner, the gesture and the reciprocal sympathies between the orator and his audience, which could alone render them fully intelligible;—in the absence of which they appear flat. The writer of this Memoir heard the speech, felt its effect as others felt it, and saw, without surprise, being himself held in the same thraldom,—what he would not have believed unseen,—how marvellously the orator wrapt in delighted attention that large crowd, composed of both sexes, and many to whom the courts were altogether unfamiliar, whilst he discussed, for the greater part of a day, a question abounding in technical law and occasions for the review of numerous judicial precedents. He concluded with a passage that was singularly happy in its ap-

plication to his client, and which, taking the court and auditory unawares, broke upon them with a mingled grave and comic effect,—grave from its connection with one of the grandest scenes of Macbeth, and comic from its unexpected and pointed application to the gentleman who was there present, and upon whose shy and modest countenance it drew all eyes, provoking laughter at his apparent discomfiture. Mr. Duncan, as I have said, was a great favorite, and the public interest in the trial was, in large part, owing to the concern which was felt for him. The advocate, in drawing to a close, spoke of the severity and unkindness of this contention to displace a pastor so much respected by his flock and so useful in his vocation;—expatiated upon the stake which the cause of religion had in this proceeding, upon the necessity of avoiding the scandal such divisions were likely to bring upon this cause,—upon the reflections to which it would give rise, and the great duty of harmony amongst christian brethren;—and, whilst all seemed to respond to the truth of what he said, he turned unexpectedly towards his client, who was sitting near him, and with most graceful elocution, added—

> "Besides, this Duncan
> Hath borne his faculties so meek, hath been
> So clear in his great office, that his virtues
> Will plead like angels, trumpet-tongued, against
> The deep damnation of his taking off."

This conclusion of the speech was greeted with the clapping of hands mentioned in the letter; in which act of applause the large assemblage seemed to find a sudden and a pleasant vent for the feelings which had been chained up in mute attention, for several hours, and which now broke forth in general congratulation of the orator.

The cause was gained; and Mr. Duncan is, to this day, in possession of the church, illustrating his ministry by a zeal and talent which have abated nothing of their original strength.

A few days after this trial, Mr. Wirt writes again to the same confidential correspondent who was the repository of the feelings expressed in the last letter:

"I find myself gazed at wherever I go, as if I had just entered Baltimore, for the first time; and hear passages of my speech con-

stantly repeated. They are getting parts of it, I find, into the newspapers; and I had notice, to-day, from one of the printers that a stenographer had been employed on the occasion, and was trying to draw out the whole speech. * * * *
I am afraid he will make poor work of it, and had much rather that he should let it alone altogether. Indeed, it is more than probable that many things which went off brilliantly in the delivery, from time, place and manner, will lose their effect on paper. There is another thing that makes me averse to the publication. The opponents of Mr. Duncan are mortified at some little pleasantries which I hit off upon them in the course of my speech; and if these trifles are made to assume a durable form, I fear they will never forgive me. These produced explosions of laughter, and I do not wish to see the laugh perpetuated by the press. * *
I really had no serious intention to 'bite much.' On the contrary, meant only to be a little playful, and relieve the tedium of a law discussion by an occasional pleasantry. But Meredith told me, on a former occasion, that my *playing* in discussion, was pretty much like an elephant amusing himself by giving a man a cant with his proboscis to the clouds, in order to see how he would come down. Now, this never entered my imagination; and I could not, and cannot conceive how a thing manifestly said in laughing good nature, can give offence. I shall certainly try to stop the publication."

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The following refers to the same subject:

TO JUDGE WM. H. CABELL.

WASHINGTON, June 2, 1827.

MY DEAR CABELL:

What puts it into your head that I am working for *fame* only? You are very much mistaken. I have the corn to shew as well as the tally. It is true the corn does not travel to Richmond; and why? Because it travels, or has travelled, or will travel, or might, could, would, or should travel to Florida. "Prepare for the *future* and let the *present* take care of itself:"—has not this as

good a right to be a maxim as the converse? I have seen the *automaton* chess-player, and have learned to look ahead, taking care to guard against a check-mate at present and at every progressive step also—or as he very quaintly and laconically calls it "*e-echeque.*"

With regard to the *fac simile* of the Baltimore speech, I beg to be excused;—a good thing may be too often repeated.—Besides, the goodness of a thing depends so often on time, place and circumstance, and, with regard to *my good things*, so essentially on their novelty, that I am quite content with the past success and have no disposition to submit to another scrutiny. You would be very apt to say of my eloquence as you used to say of my jokes, about half an hour after everybody else was done laughing,—"Well, that *may be* a good thing, but I confess I can't see it." And to tell you the truth, I was pretty much of the same opinion with regard to some of my good things in Baltimore. But the people were so determined to be pleased that the most foolish thing I could say went off with *eclat*. Give me such an audience as that!—where a man can gather laurels without any expense of brains. Plague on a Roman senate, or Athenian areopagus, or a Virginia court of appeals, where a man is obliged to talk sense or be thought a blockhead! Besides, talking sense is such an every day business. Everybody talks sense now-a-days. But how many are there who can talk successful folly and gain the reputation of wisdom by it? That is a species of mental legerdemain which puts a man on a level with the far-famed Maelzel, the exhibiter of the Androides, compared with whom the Chief Justice himself is but an every day sort of a man.

There was a stenographer who took down the speech, but I have laid my *veto* on the publication, and I trust it will be respected; for I have long since learned to know that reading is a very different thing from hearing. If they will publish, I have this consolation, that, however identical the speech may be, the people who heard it will swear it is not the same. They will be obliged to do this in their own defence, or be considered blockheads themselves for being so taken in, "to appove such stuff!" But for all this, it was a tolerable good speech—for a hot day—and would have passed very well even at ——— Fluvanna court house

alias, "*The State.*" And now I think we have had enough of the speech.

* * * * * * *

Yours affectionately,

WM. WIRT.

Mr. Wirt's eldest daughter, Laura, had recently been married to Mr. Thomas Randall, at that time a resident of Washington, the son of a most worthy and reputable gentleman of Maryland, long known, in that State, as the Collector of the port of Annapolis, and the head of a large family greatly esteemed by the society in which they lived. The allusion to Florida in the last letter, refers to an adventure in which the Attorney General had engaged, not long before this date, in the purchase of some large tracts of land in the neighborhood of Tallahassee, and which it was, now, his purpose to apportion amongst his children. Mr. Randall had just been appointed to the post of a District Judge in the Territory, and was soon to set forth with his bride on a journey to the new country, with a design to establish himself on a tract of this land assigned to them by his father-in-law. This adventure upon so remote a settlement, included others besides the young persons whom we have just noticed. The two brothers of Mrs. Wirt, Messrs. Robert and John Gamble, who were, perhaps, the chief promoters of the scheme, had united in this emigration, and made arrangements, also, to seat their families in the same region. In the association of these several households, forming a little circle of persons allied to each other, not only by ties of blood and family connexion, but, even more strongly, by kindred tastes, intelligence and cultivation, the privations and inconveniences of such an enterprise were greatly mitigated, and the effort rendered more certain of success. Its success, indeed, was rapid and satisfactory. Judge Randall, a gentleman of great probity and accomplishment in his professional position, and not less distinguished in the highest rank of social life for his virtues and his talents, still resides in this region—now elevated to a state in the Union. A family has grown up around him, and the worthy companions of his first labors, Colonel Robert Gamble and his brother, yet contribute to endear to him a home in which they together enjoy all that good fortune which deservedly belongs

to, and generally attends exalted personal worth and an intelligent pursuit of the better objects of life.

It was not long after this letter to Judge Cabell before the new married couple set out upon their journey. A long and active correspondence between the father and the young emigrants, bears ample testimony to the great solicitude with which he looked upon this adventure, his pleasure in its successful development, and, above all, the warm attachment and trust which his son-in-law had already kindled in his bosom. We shall see in the letters of future date many references to this settlement, as well as the most abundant proofs how many affections of his heart were garnered in this new home of his children.

We have a letter written to his daughter, whilst she was yet on her outward journey, which commemorates that first departure which is always so notable an event in family history, and often so significant of the fate of children in after life.

TO MRS. LAURA H. RANDALL.

WASHINGTON, Sept. 9, 1827.

MY DEAR LAURA:

I write in the faint hope that this letter may be taken up by you in Milledgeville, as you go along; though I am aware of the chances against it. It may not reach there in time, or you may forget to ask for letters. Your sister E. addressed a letter to you at Henry Carrington's, which, I am pretty sure, must have got there too late; and you will, therefore, probably not see it till you get to Tallahassee,—which will, in all likelihood, be the fate of this. But never mind: "here goes"—as they say in Dunkirk.

It would only afflict you to depict the desolation of the house since you left us. Your mother has not been down into company since, and every memorial of you puts her again into tears. *My* grief shews itself by keeping me continually in a bad humor—fretting at every thing without any adequate cause. The children cannot set fairly in upon their studies. It will take a good while to close the gap which your absence has caused, and to cicatrize the wound. We miss you at every turn—at every meal—every morning, every noon, every evening. The piano misses you—the seat looks at the door, as if it were continually expecting you to

enter, but it is continually disappointed, and turns away in the dumps. In the meantime, we hope that *you* are going merrily along—your attention continually diverted by new objects and new scenery. We heard of you twice after getting your short note from Chatham. Mr. Southard, on his return from the Springs, was near meeting you at Smock's, four miles beyond Fredericksburg. Smock told him that you were going merrily along—that he made one blunder which lengthened your face for a moment, but that you soon recovered it; his blunder was in remarking that you had a long journey before you—whereupon, you suited the action to the word and lengthened your face. Mr. Southard was prevented, solely by a mistaken direction of the road, from meeting you at Smock's, which he very much regretted. * * * Dabney has got an octave flute, and bids fair to be a capital performer; and Henry has got his drum mended, and bids fair, also, to make a great noise in the world, as Goldsmith says. * * Will you let me give you a hint? You are going to a newly settled country—do you wish to make your husband and yourself *popular? Dress as plainly as possible*, and *conform, as closely as you can to the manners of the place.* Any other course, especially fine dressing, and *haut-ton* manners will excite only envy, criticism, malignity, quarrels and contempt. I wish you may believe the truth of this remark, and thereby save yourself the pain of a practical demonstration of its truth; *verbum sat sapienti*—and to persons of the opposite description no quantity of words will be of any avail—"therefore, there needs no more be said here."

You have been remembered in our family prayers, this morning, my dear child, and we have united in calling down upon you the protection and choicest blessings of heaven—which may God of His mercy grant! Heaven bless you.

Your affectionate father,

WM. WIRT.

Mr. Jonathan Meredith of Baltimore, whose name has already appeared in one or two of the letters reserved for this Memoir, was amongst the most intimate and cherished friends of the Attorney General at the Maryland bar, and was frequently associated with him in the trial of his causes. To that large circle of society, spread over many portions of the United States, who have the

privilege of this gentleman's acquaintance, I need not remark how congenial his temper and character were with those of the Attorney General, and I trust he will not think that I am invading any forbidden sanctum of private life, in presenting him to my readers in his relation of a friend and correspondent of Mr. Wirt, when I say of him, what those who know him best are accustomed often to say, that no man is more gifted with the qualities to render social life amiable, graceful and elegant than himself, nor has any one used these qualities more liberally or appropriately than he in the performance of that duty. A larger collection of the letters of Mr. Wirt, than it falls in with my plan to publish in these volumes, would furnish many evidences of the pleasantry, wit and humor which he drew from the treasury of his friend. They would supply still more abundant proofs of the high appreciation which each made of the other's friendship.—This by way of introduction to one of many letters, in my possession, between them.

TO JONATHAN MEREDITH.

WASHINGTON, September 14, 1827.

MY DEAR MEREDITH:

Whence this heaviness that hangs upon you,
This lethargy that creeps through all your senses?
Why does your blood thus stagnate in your veins,
And whence this torpor that invades your brains?
Why does your pen no more your fingers please?
Why does paralysis those fingers freeze?
Have you become a numb-fish or a frog,
Oyster enamored, or good old king Log?

Or, what the d——l is the matter with you, that neither entreaty, civility nor blows can drub or draw another syllable from you?

Will you have the kindness to answer the following interrogatories?—to wit—

1. At what time in October does the Court of Appeals meet?
2. Are you ready to argue our case?
3. Will it come on at the next term, and *will* you argue it?
4. At what part of the term will it be likely to come on?
5. Have you got a copy of the record?—for I have.

6. Have you made your notes in the case, and will you send them down to me? Yea, or nay?

7. If nay,—shall we have any chance for a conference before the cause comes on?

8. Did you ever see such hard times?—Yet money seems to be plenty——in England.

9. Have you any intelligence of the likelihood of fees this fall, for yourself or me?

10. Can you lend me about twenty thousand dollars?—I name a low sum to ensure success—a higher will be equally acceptable.

11. How do you all do?

12. Will you give my love to your wife and children?

13. (The good old continental number.) *Will* you write to me?—Yea or nay?

Yours truly,

W. W.

Postscript.—I had written, and was just about to seal this letter, when yours of yesterday arrived; for which I thank you. It answers several of my questions. But, as it leaves some unanswered, I shall send this letter: more especially as I cannot afford to lose so much smartness. I am glad to hear of the decision in ——'s case. Truly glad. But this glory would have been brighter and more impressive if it had come immediately on the back of the argument. * * * In the name of common sense, who prepared that farrago of nonsense, you have sent me as my argument!* * * * I find it perfectly unintelligible. It was taken down by some person who understood neither the argument, the fancy, nor the wit. The attempt at the argument is the most stupid, unintelligible nonsense. The out-of-the-way things seem to be remembered in part, but they are so clumsily introduced, that whatever sprightliness belonged to them is murdered.—In some parts the joke is marred altogether, and you can scarcely guess whereabouts the joke was. * * * If they print this as my argument, I shall sue them for a libel. I would not lie under the immortal obloquy of having spoken so much nonsense for any earthly

* An attempt to report the speech in the Church case.

consideration. ——— I have no disposition to be branded for a fool, either by malice or folly. Pray prevent its publication.

Your friend,

WM. WIRT.

A new presidential canvass was now about to commence. Speculating on the result, which was most likely to be adverse to his wishes, and, therefore, to render his retirement from office entirely certain, Mr. Wirt was already debating in his mind his future course. Indeed, irrespective of the result of the coming election, he had resolved to withdraw from official employment, and to devote himself to practice in some new sphere. We shall see hereafter, that his choice was somewhat perplexed between New York and Baltimore. In the perspective he had a vision of Florida, which was a favorite location for some airy castles, which he had not yet ceased to build. There is some glimpse of this perspective view in the following letter:

TO MRS. LAURA H. RANDALL.

WASHINGTON, December 7, 1827.

* * * * * * *

I think you will do well,—and I am so much delighted with every report that reaches me of the country, that I count sanguinely myself on settling a plantation and coming out to live. I have none of your horrors of a country life in a new country. Florida bids fair to be a perfect Arcadia. Such a climate!—Such a soil! Such productions, and such society as you will have in a few years! Can any thing be more delightful!

* * * * * * *

How dull and monotonous Washington is, compared with the new objects that are continually meeting your eye!—the fine forests, the fine lands, the balmy genial air, the tropical-tinted birds, the alligators, the barking frogs, and all the other elegancies of nature's drawing room. You must not despond, my dear child. Your uncles will have arrived before this letter, and all your despondency will be over,—for —— will romp you out of it, and the rest of them will laugh you out of it. So, amongst you all, with the noise and the dust you will make, I have no doubt the frogs

and alligators will feel themselves foiled at their own weapons, and will be quite chop-fallen with mortification:—though, I believe it is by the falling of his chop—the upper one—that the alligator inflicts mortification on others. Is'nt that "*the worst!!*"

* * * * * *

Henry would be glad if you would send him one of those ponies—a well-gaited one—in a letter. But you must make haste about it, for they tell me my franking privilege will soon be out, by the ejection of the present administration from office. So say the Hickory boys;—but the lads of Clay* (instead of *wax*) tell a different tale. All I have to say about it is, that—"*Refert* and *Interest* govern the genitive—as *refert patris*, it concerns your father—*interest republicæ*, it is the interest of the commonwealth." What? "Aye, there's the rub!"—"and so, there needs no more be said here"—"for I verily believe, Kate, thou wilt not tell what thou dost not know." "That's a poor come off, father." "It is better than no come off, quoth Bridget"—or words to that effect. "Now, I don't understand this." Nor I, neither. So, good night, for the clock is striking eleven, "and I am tired:—quoth Gilpin, so am I."

* * * * * *

I go to Baltimore in the morning and shall probably not return 'till the Supreme Court sits, the second Monday in January. So, you will, possibly, not hear from me 'till the spring—so very busy shall I be, as busy as a bee;—but "not," where the bee sucks."

Heaven bless and support you,

Your affectionate father,

WM. WIRT.

Judge Carr had retained his position in Winchester, as Chancellor, until the year 1824, when he was transferred to the Bench of the Court of Appeals of Virginia, and in consequence removed his residence to Richmond, where he continued in the discharge of these high judicial functions for ten years after the period to which we have now arrived.† During the present year,

* General Jackson and Mr. Clay were already designated as the rival candidates for the next presidency.

† He died in 1837, leaving behind him the fame of an upright and learned Judge, and of a truly good man.

Wirt's friend and pupil, so familiarly known to my reader in this Memoir, Francis Walker Gilmer, finally sunk under a disease which had long impaired his constitution, and which now bore him to the grave, whilst yet upon the threshold of ripe manhood, and almost in view of the fame which had been the coveted object of a life of studious emulation. His last literary effort is one of the topics of the next letter.

TO JUDGE CARR.

BALTIMORE, December 30, 1827.

Thank you, my dear friend, for your Christmas letter! I heartily return all your good wishes upon your own head. I give you joy of your holiday. So, kick up your heels, and go "prancing and *menancing*" about, *ad libitum*.

As to me, the laboring oar has been in my hand, "*my dear fellow*"—as B—— used to say—ever since the fifth of October. I am at this present moment engaged in a cause, the Bank of the United States *vs.* Etting, quite as arduous as that we had at Richmond of the Bank and Dandridge's sureties. Tug at it intensely! My dear sir,—I must—I am obliged. I have been trying to work *gently* for some time past, and I die of *ennui* as soon as I unbend. No, I must be strained up to concert pitch, or there is no more music in me than in the drone of a bag-pipe. But I am not going to kill myself "for a' that:" *festina lente*—"that's the humor of it." I am satisfied with being at concert pitch. Pinkney wanted to be an octave above it. Harper died of *angina pectoris*. Emmett of premature old age brought on him by his troubles in Ireland. My standing, you think, "is high enough to satisfy any but a cormorant." Are cormorants remarkable for *high standing*? "Will you muzzle the ox and turn him loose to whistle to the wind and bay the moon for his fees?" If you would not, why should you advise me to a course by which my wife and children would starve downright? They cannot live upon *high standing*. My dear sir, I am fighting *pro aris et focis*. It is not fame, it is food and raiment; for soon the winter of age will come when I cannot work at all, and what is then to become of my dear wife and children? It is *autumn* with me now, and soon it will be *the sear and yellow leaf*. I have no time to spare. Let

me once get a plantation established for my wife and children in Florida, and then you shall find me as obsequious as a lamb—

> "Pleased to the last, I'll crop the flowery food,
> And lick the hand"—

no—not that, either. I should like to hear that same conversation of the Chief Justice. However, I will excuse you from repeating it, since you think there is danger of its making me a vain youth, and come to the conclusion at once that I am a great favorite with the Chief, as he certainly is with me, whether he likes me or not. I do not believe he has an atom of gall in his whole composition on any other subject than that of politics; or that, with him,—as with many other great men in the Union, who will never forget the fall that Mr. Jefferson gave them—*hæret lateri lethalis arundo.*—Politics apart, there is not a better natured man in the world than the old Chief—and a more powerful mind was scarcely ever sent upon this earth. He ranks in my estimation with Mansfield and Thurlow and Hardwicke, the standards of judicial excellence—the classics of the bench. I concur entirely with you in your political views, as well as in your opinion of what relates to myself on the hypothesis of a change in the administration. "Tremble at the idea of going to New York!" Why tremble? Men are but men everywhere, and I have in my time wrestled with as strong men as we shall ever see again, without getting my bones broken. None of your fun! You are as little apt to tremble as any man living. Don't I remember you, at Louisa court house, turning B. S. out of doors, "like a little red bull upon a sand-bank," as poor Billy Davenport, you know, said. Judge Thompson of New York, is now at Barnum's hotel and I am going down this moment to discourse him on this subject; so I will knock off 'till I come back.

—Thompson was not in—but it is now night and he has been to see me, accompanied by another gentleman, so we could only talk in a general way. He says, six, eight and ten thousand dollars is considered great practice in New York, and ten thousand dollars the *maximum;* if so, it is not worth killing a man's self for. However, I will know more about it from D. B. Ogden, whom I shall see at the Supreme Court, before I decide. It will take a powerful inducement to carry me beyond the hope of

renewing some of those bright and sunny hours with you of which you speak. "Soon, by the ordinary course of nature, will the grave separate us!" How soon? By the ordinary course of nature, if three score and ten be the ordinary course, we have yet fifteen years to live. The Chief Justice is near twenty years ahead of us, and he has all the vigor of his faculties about him yet.

With regard to Butler's Analogy, have I mentioned it to you only once before? Why that's nothing for such a book as Butler, and no proof of old age at all. He is worth being mentioned and pressed upon you a dozen times. "Too abstruse and metaphysical,"—no I think he has the deepest and clearest reach of almost any man I ever coped withal. There is something really sublime to me in the comprehensive sweep of some of his views. But we will not quarrel on this or any other subject.

* * * * * * *

A new edition of poor Frank Gilmer's Sketches and Essays will be out in a few days, and I have been pressed, busy as I am, to write a preface, which I have done, but so poorly that I am ashamed of it. Lucas, however, insists that it will have some effect in the sale of the book.

The mail hour has arrived. Love to all.

Your friend,

WM. WIRT.

CHAPTER XIII.

1828.

FAMILIAR LETTERS.—PRESIDENTIAL ELECTION.—EXPECTED CHANGE OF ADMINISTRATION.—LETTER OF MR. MONROE, IN REFERENCE TO THE POSITION OF THE CABINET OFFICERS.

THE following letters require no comment.

TO WILLIAM POPE.

WASHINGTON, March 23, 1828.

MY DEAR POPE:

I am always behind you in our correspondence, both in quantity and quality. But you are a gentleman of leisure, thank Heaven! and I, a beast of burden. I thank Heaven too,—both that I have a burden to carry, and that I am able to bear it. Though I frequently find myself in the condition of Issachar,—"Issachar is a strong ass, bowed down between two burdens:"—the Supreme Court being in one pannier and the President and Heads of Departments in the other. But my health is good and I find myself generally ready "to cut and come again."——So much for good animal spirits, a clear conscience and a total exemption from that canker, political ambition!

I am alternately diverted and disgusted with the scenes which are passing around me. Such working, toiling and sweating,—such mining and countermining,—such lying, abusing, quarreling, and almost fighting for a little short-lived distinction!—

"Lord what is man, poor, foolish man,
Born of the earth at first;
His life a shadow light and vain
Still hastening to the dust."

The same scenes were acting, I suppose, in Babylon and Ecbatana and Memphis, and Thebes, and Athens, two thousand years ago.—Where are they all—the actors and the scenes?

A man is bound to do all he can for his country. But, if his countrymen choose all to become Bedlamites, I see no good that can be done by committing himself to their maniac fury. So I leave these things to him, "who holdeth the winds in his fist,"—"who can still the raging of the sea and the roaring wave of the multitude,"—and am content to paddle my canoe along the smooth surface of a mill-pond, well satisfied to catch my little mess of fish, and to eat them in peace, surrounded by the smiles of my wife and children. The craniologists say that the intellectual faculties reside in the front of the head, the passions in the back part, but that a full development of the organs of passion is essential to make a bold, daring, strong, enterprising character. They measured my head with their craniological instruments, and put down the relative proportions in their books. A young gentleman, the other day, made a drawing of my head from this admeasurement and gave it to one of my children. The organs in front were well developed,—those in the rear comparatively feebly. I have no great faith in the science,—but it answers, in my case, so far as the passions are concerned. So, you see it is in vain for me to enter the field of political wrangling. Nature made me for a man of peace,—and I am not disposed to disobey her behests. This is the secret of the prudence for which you give me so much credit. If they found that I stood in their way, they would abuse me as stoutly as the rest; but if I am never to get honors but by being rolled in the dirt, and rolling others there, too, I will do without them. This is my creed,—how do you like it?

I suppose you saw Governor D——, on his way through Virginia. He is a light-hearted, joyous fellow, and has gone home buoyant with the hope of fortune, by the culture of sugar and sea-island cotton. They are all sanguine on this subject in Forida,—and I think they have reason. But we have yet to see what lesson experience will teach. My two brothers and my son-in-law have turned into cropping might and main—and I dare say they all count upon being rich in ten years, and coming back, if they so please, to live among us in splendor. But where shall *we* be, ten years hence? Shall we be alive to enjoy them? Time has already thinned the ranks of our friends, and ten years more, it is to be feared, will leave few of us standing. But what of that?

"Grieving's a folly,"—so let us make the best of our time by mutual love and affectionate intercourse with each other, and doing all the good we can for ourselves and others. I should like once more to be with you, and hear you sing old songs and tell old stories. It would delight me to be at Montpelier once again, and recall the memory of joys long gone. I have had some happy hours with you there, my dear Pope, and I think if I could carry up Cabell and Carr and Bullock and Clarke, we could make the welkin ring yet. How does Lucy Ann come on? It is charming that she should have married so amiable and prudent a gentleman, who can relieve you from the charge of your agricultural affairs and leave you to the enjoyment of *otium cum dignitate.*

I thank you for the perusal of Mr. Bates' letter. I have taken a great fancy to him. He is a true son of Virginia, with a warm heart and an excellent head. He made a speech in the Supreme Court, in a case from Missouri, which raised him much in the estimation of the Judges and audience. I am always gratified when I see so good a fellow so clever a one, and I am pleased to find that in this case, as in most others, our good will is recip*ro*cal as Mr. M——, I think, used to pronounce it.

How is our old friend T? He has been considered a dying man for more than thirty years, to my certain knowledge, and yet I believe he will outlive us all. Shall we ever have such another day with him as we had at Rock Castle with O'Reilly and Co.! That was a day of days. One of the "sunny spots" of our past life. I have some expectation of being again in Virginia this summer. The President of the Bank of the United States has written to me that he shall wish my services in Stevenson's case again whenever it shall be tried—and that, I suppose, will be about the last of May or the beginning of June. However, I shall write to Stanard to know the time more particularly. I promise myself the pleasure of seeing you if I come. Give my cordial love to dear Lucy Ann—her husband, I am sure, will accept my respects though personally a stranger. Mrs. Wirt and my girls join in love to you—and I need scarcely add that I am,

Always your friend,

Wm. Wirt.

P. S.—Do you see Morris now? If you do, tell him that I wear him in my heart. He is one of my few elect.

By-the-way, Major Clark and Joseph Cabell are here. They fell in, casually, at my house, with four or five other gentlemen, on Friday evening last—and among them a gentleman who, on that day, had brought me a letter of introduction from Mr. Maxwell, formerly of Norfolk, now of New York. This gentleman is the Rev. Mr. King, who has been residing, for the last three years, as a missionary at Jerusalem, and has travelled a great deal in Egypt, Palestine and Syria. He speaks Arabic like a native—had an Arabic letter which he had received since his return, from an Arabian convert, which he read first in the Arabic and then in English. It is very much in the style of St. Paul's letters—and in the beginning has a beautiful tincture of the oriental imagery of Isaiah. He had also a beautiful little copy of the Koran in the original Arabic, most exquisitely written and emblazoned with a pen, from which he *chaunted* long passages in the true Arabic tone, attitude and manner—for being a holy book they do not *read* it, as they do other books, but *chaunt* it in a low and solemn tone. I wish you had been with us. He interested us all extremely by his graceful and intelligent account of all those countries with which we have so many religious and solemn associations. They sat up till near twelve listening to him, and to the joint music of the harp and piano with which our girls closed the evening. These little *rencontres* and incidents do not often occur in the country, and I mention it because I think it may be amusing to you.

Farewell—and, once more, Heaven bless you.

TO MRS. LAURA H. RANDALL.

BALTIMORE, May 19, 1828

MY DEAR LAURA:

Your mother has sent me your letter of the 27th ult. I am glad that my nonsense amuses you. On my own part, this same nonsense is a salutary expectorant, and I have always found it a capital preparative for a dry and close argument—a safety valve which lets off all my redundant steam before I am ready to set out; and as I have no fear of a scarcity of fuel, while nonsense is the only power required of me, I am not afraid of being too prodigal of my steam.

* * * Now, put on your considering cap, and tell me why nonsense is so pleasing both to the hearer and speaker. I am not one of those who are prone to be

"Dulling delight by exploring its cause"—

but this is a curious matter, and I do not find my sagacity quick enough to detect the solution. I forget what Messrs. Kames, Blair and Co., say about the sources of enjoyment in ridicule. And, moreover I don't care what they say; for they were all pretty much of "Sir Oracles"—good guessers, I must admit. But we can guess as well as they. And as for you—you can guess as well, at a moment's warning as upon a year's study:—a faculty, by-the-bye, which you did not derive from me; for I am a plodder.

Now, I am of opinion that the enjoyment of nonsense, both in speaker and listener, proceeds from gratified vanity. The speaker is gratified by his success, and the listener by his comparative dignity of understanding. This is a little in Rochefoucault's strain, who traces all our enjoyments, as well as virtues, to self. It is too true, as to the aforesaid Monsieur—*il avoit raison;* though the selfishness to which he traces virtue, leaves it, *me judice*, all its merit. Be this as it may: *vive la bagatelle* just now! *Carpe diem!* say I, and let us not trouble ourselves about what may happen to-morrow.

"Carpe diem, quam minimum credula postero,"

says Horace, who, in my opinion, was a most learned Theban in these matters.

This reminds me of a pun I heard the other day in ———. There is a gentleman there who is otherwise very handsome, but with the misfortune of having a nose without a bridge;—nothing of a nose perceptible except the inception between the eyebrows; a mere abortive proboscis. His other features are all fine—his eyes full of the fire of genius and sensibility. C——, who is a very fine fellow, as your uncle will tell you, was remarking in company one day, the noble expression of his countenance. "Oh, but that unfortunate nose"—said a lady. "Nose!"—replied C——, "if it had a bridge, it would be very *passable.*" This may be as old as the hills, for aught I know, but it made me

laugh vociferously. I would thank you to laugh a little if you please.

* * * * * * *

In looking back upon this vagary, I find my over nimble fancy has played me a trick, in the introduction of that pun, which is a palpable departure from the text, and proceeds from thinking faster than I write. The "Carpe diem" of Horace was properly leading me to Lord Exmouths punning inscription on his flag, when he made his attack on Algiers, and which is said to have been perfectly understood by every sailor in his fleet.—"Carpe diem"—that is "seize the Dey:"—but no sooner did a pun come into my head, than my mind naturally capered off to —— and I got to my friend ——'s bridge without any road to lead to it. *C'est egal*—So *vive la bagatelle* again!—which, being rendered, signifieth "laugh and be fat." A proverb so full of wisdom that I wonder it escaped Solomon. In the small affairs of life there is no sense in grief. It is about as rational as crying because the wind blows from the east instead of the west. We are here in a stage-coach journey through life, and instead of lamenting our annoyances and sticking pins in our fellow passengers because they *scrouge* us—as poor Mrs. B. used to say—it is wisdom to make the best of it, and extract all the amusement we can from our companions—taking care always to be ready to give a good account of ourselves at the end of the journey.

* * * * * *

Your affectionate father,

WM. WIRT.

TO WILLIAM POPE.

ANNAPOLIS, June 24, 1828.

MY DEAR FRIEND:

Your letter of the 5th instant, covering a note for Chancellor Taylor, and addressed to me at Richmond, found me at this place last evening. I observe by the Richmond post-mark, that it lay in the office there 'till the 18th, when the direction was changed to Washington, and it came thence, in a packet of other letters, by the mail of yesterday.

You will have heard, long before this reaches you, that the case of the Bank and Dandridge's sureties was continued on the defendant's motion—whereby I have lost a good fee and the anticipated pleasure of meeting you and my other friends. Such are "the best laid schemes o' mice and men." Whether I shall be able to go in the fall or not, I know not. The Bank and Mr. Stanard say I *must*. But the term at Richmond (22d November) comes into direct collision with the busiest time of the Baltimore courts, and at present I do not see how I can break away. Besides, who knows whether we shall be alive then? We are, you know, tenants at will, or by sufferance, and may be removed by the great landlord, at pleasure, without any previous notice—and blessed is the man who is always ready to move at a moment's warning. Then again, if I shall be able to come, how much less interesting at that dreary season of the year will the visit be, than it would have been now. I wanted to see Lucy Ann's garden in bloom—more especially that "flower-woven arbour," where, like old Toby Philpot, we were wont to sit "as gay as you please."

> "With a friend and a pipe (viz. the Chancellor's) puffing sorrow away,
> And with honest old stingo a-moistening our clay."

It is true "the days are gone that we have seen." Yet I think we have still warmth enough about the heart to raise a breeze, if we could get together again with a few of our choice friends. We could, at least, "fight our battles o'er again," and, like Bullock's dying man, stop the joke until we could turn over on the other side for fear of laughing ourselves to death, at a story which we have heard a hundred times. Besides, you could get your old song book out of the office, and sing us the Reveillé through all its variations. I think I can see and hear you now—

> "The lark was up, the morning gay,
> The drum had beat the reveille."—

Not forgetting—

> "Here's to the maiden of bashful fifteen,
> And here's to the widow of fifty."

"Oh, the days that we have seen!—By-the-bye, did you ever hear General Minor sing that song of "Old Jerome?"—I think it would just suit you. Pray get it and learn it. It begins—

"Oh, the days when I was young,
When I laughed in fortune's spite,
Talk'd of love the whole day long
And with bumpers crowned the night."

I dare say you will find it in your old song book, for it is as old as the hills; and if you are at a loss for the tune I can send it to you—and Mr. D—— or dear L—— can play it off 'till you catch it. Some rigid anchorite might say "what business have you old men with songs—you had better be thinking of your graves." But what sense is there in going moping along the road because we have a disagreeable inn at the end of the journey? Sorrow and trouble come soon enough of themselves, without forestalling, and I think with Sterne and his French vintner, that "a cheerful heart is the best grace"—

"What blessings thy free bounty gives
Let me not cast away,
For God is paid when man receives,
To enjoy is to obey."

That is, to enjoy in innocence and moderation—and so I believe. That God who opens the spring season of the year with so much beauty, and such universal joy and rapture, cannot delight in seeing his creatures wretched. A heart innocently gay and happy is, I believe, the most acceptable homage that we can pay. Let such wretches as Judas Iscariot mourn and grieve and commit suicide. Why should we, whose great delight and almost sole employment is to make others as happy and joyous as we can, put ashes on our own heads and cover our loins with perpetual sack-cloth? I am against it, sir—and do verily believe that grieving is not only a folly, but a wicked folly, too, and offensive to our maker. So—

"Hurrah for the bonnets o' blue!"

We will play wig and dignity when the occasion comes. Meantime—

"March—march, Ettrick and Tiviot-dale—
All the blue bonnets are over the border."

My friend Meredith, of Baltimore, is my room-mate here. He is a very pleasant and a very good fellow; or, as he says,

while he is throwing himself down on his bed to take an afternoon's nap, "a safe companion and an easy friend." I have read him two or three of your letters which have been occasionally received at this place, and he is quite in love with you. We have wished for you very often, and you would, yourself, be delighted here. The judges are, some of them, fine fellows. The Chief Justice of the Court of Appeals of Maryland, (Buchanan) has his room separated from ours only by a narrow passage, and he comes in frequently to join us. He is as honest and noble spirited a fellow as ever lived—full of fine feeling, manly, frank and brave—and loves a laugh as much as you do. You would put him into convulsions if you were here.

It is a pleasant bar too—as merry dogs as you would wish to see of a summer's day. And Annapolis is a beautiful place. It is "a city built on a hill," which you know "cannot be hid." It commands a magnificent view of the Chesapeake Bay, to the east, and is surrounded with the most picturesque scenery of green rolling hills, deep clear rivers, bold promontories, winding shores and shady recesses. There are several fine bathing places in the Severn River, and we have sheep's head and soft crabs in abundance every day.

The houses and the few remains of the old gentry remind me exceedingly of old Williamsburg; and the ancient chroniclers of the place have many a story to tell of the goings-on here in the days of Governor Eden. The memorials of the by-gone times, with which the place abounds, make me a little pensive and sentimental now and then. This is no objection with me, however, for I like a touch of the tender even though found among the tombs. The capitol is a noble looking building: it stands on the summit of the hill, and has a rotunda or cupola several stories high, in which you may mount two or three hundred feet above the level of the Bay, and look around on one of the boldest panoramas in the world. Seen from that height, the view of the Bay is *sublime*, and the view on the opposite side *beautiful*. So, there you may study Burke on the sublime and beautiful at pleasure, and see the finest illustrations of either by only turning your head. I wish you were here at this moment. But what is the use of wishing when the thing is impossible? And so let us be content.

How do you like the practice of the law in your old age? I confess I am getting tired of it. I have been at it now for six and thirty years, with the exception of two respites,—to wit: four or five years of frolic and idleness when I first began, and eighteen or twenty months on the Chancery bench, at Williamsburg in 1802 and 1803; but I have been pretty hard at it for near thirty years, and now there is nothing new in it. I have no more fame to expect, and no more professional enjoyment to hope for. Yet I must stick to it nolens-volens;—and, since I am obliged to do it, I wish there was a little more of the *volens* in the case than I feel. Happy the man whose duty is his pleasure—but heaven's will be done! I will try to deserve, at least, one part of Tom Bowling's eulogy—"faithful below he did his duty;" which I believe is the best pledge, after all, for "going aloft."

In my journey upwards, I should like to stop awhile upon the bench;—but I am pretty well resigned to my fate, be it what it may. * * * * This subject, however, is too serious to be trifled with, and the mysteries that surround it are beyond the jurisdiction of reason. Happy is it for us, then, that revelation has come to our aid. Oh for

> "The wings of faith and arms of love
> To bear us safely home!"

Good Doctor Watts!—how often have I wished that I had been made such a man! His was scarcely an earthly residence; for his spirit seems to have been lifted into the seventh heaven. What a state of celestial existence! But if we were all like him what would become of the business of life? Doubtless we are, all of us, necessary to complete the scheme of variety in the human family, and each man has his separate station assigned to him by Providence. With that let us be content, and act well our respective parts, nor sigh for the posts that have been allotted to others. This last is one of the commonest follies of man. I have not suffered it to trouble me much.

I have always been too fond of ease and quiet to have any taste for political contention. The little that I have done, in that way, has been rather forced upon me than sought for by me. And as for what are called political honors, I would as soon put on the poisoned shirt of Hercules. In my opinion, the most misera-

ble men in the world are those who are *enjoying* what are called political honors. It is a species of *enjoyment* which reminds me of the answer made by a man to a friend's inquiry after his health—"I thank you, I have *enjoyed very bad health* since I saw you last." These gigantic characters are pretty much in the predicament of another gigantic gentleman in old times, in a very elevated station. I mean him who was nailed to the mountain side, with vultures to feed on his liver. As for me, give me peace and competency, with "wife, children and friends." I ask no more upon this earth. And I thank God he has hitherto given me all these blessings to my heart's content.

I find it very hard to quit your company, as you see. But I must take my leave and go to work.

Offer my kindest greetings to your family, and to my dear Morris when you see him. I love him deeply and tenderly. God bless him—and God bless you all!

Your friend,

WM. WIRT.

TO JUDGE RANDALL.

WASHINGTON, July 4, 1828.

MY DEAR SIR:

* * * * * * *

I find myself at present, so pre-eminently blessed in my family, in all its members, that it sometimes makes me shudder lest my own unworthiness or some salutary castigation should make it necessary, in the councils of Heaven, to punish me with a reverse.

I consider the next five years as amongst the most important of my life, as they will, in all probability, settle, one way or the other, the problem whether I am to leave my family independent. All looks fair at present; and as I have some remains of my childhood's superstition about me, a flash of hope brightens before me from the omen of the day on which I now write to you. You will smile at this, as you were not exposed, in the years of your infancy, to the influence of the same legends, which wrought upon me, and, possibly, have not the organs of ideality so strongly developed, or whatever else the organs are which go to make the compound of credulity and superstition. There is quite as much

poetry as faith in the visions which occasionally knock at my door and find admittance and a night's quarters. But day-light and the realities of life send them on their business next morning.

* * * * * * *

You have a touch of the passion for show about you. It is a gentlemanly feeling. I have had, all my life, a little too much of it. I don't mean too much of the feelings of a gentleman—but a little too much love for classical arrangement and embellishment—for graduating, turfing, *arborizing*, shrubbery, &c., which, as I have always lived in town, has been expensive. And then, I have been all my life altering the adjustment of my houses, changing partitions, plastering, painting and varnishing walls, to give them a *lustrous* appearance, and adding other buildings: and then importing busts, purchasing pianos, flutes, harps, guitars, and all that sort of furniture—not forgetting the accumulation of antique, rare and high-priced books—all of which would have well beseemed a man of princely fortune, but have suited mine very badly. I believe it has had the effect of giving an elegant turn of mind to my children, to see these objects always around them.

* * * * * * *

The natural beauties of your place, and those little embellishments of your grounds which will cost you nothing, will give full employment to your taste and your leisure time, for some years to come. During this time, I hope that your funds will be dammed up till the pool is full to overflowing. I advise you to live not simply within your means, but to live so far within them as to leave a broad margin every year,—which, if you once begin, you will find to become a broader and still broader margin in each successive year. At the end of ten or twelve years these margins, added together, will make a little principality, and enable you to do what you please. Beware of speculations,—particularly such as are beyond your present means. Never go in debt on them. Beware, especially, of those bold and dazzling speculations on a great scale, which, under the promise of speedy opulence, end too often in ruin. *Ne festinas locupletari*, said the wise man of Greece,—and no wise man ever said a wiser thing. The richest men generally become so by gradual accumulation: I mean the men who most safely become rich. Aladdin's lamp is a fiction, and even were it not,

there is more than one hostile magician to be slaughtered before our success may be secured—magicians in the shape of treacherous agents, insolvent debtors, sharpers and speculators—and of crosses and disappointments, of which the world is full. Give me a man like our old friend Judge E., who, without making any noise in the world, has been going on adding a child and a new farm to his stock every year, for the last fifteen of his life;—he and they are all well provided for and even rich. While your splendid and showy men are every where writhing under pecuniary embarrassments, dying in despair and leaving their families in beggary. Young men, at your time of life, are not apt to think of these things, and the subject is likely to be irksome to them; but they who are wise will not disdain a lesson of wisdom from their fathers, and will *lay it to heart and practise upon it*—as I am sure you will do. If I had a glass window in my breast, and you could have drawn a chair and sat down before it, and looked in—as Sterne says—as into a "a dioptric beehive," and seen the anxieties that have been working there for the last ten years, on account of this retrospect of my lost time, you would not be surprised at the frequency and earnestness with which I press this subject on your attention.

* * * * * * *

Yours affectionately,

WM. WIRT.

These few fragments of letters give us some pretty distinct glimpses into that "dioptric beehive," the heart of the writer, and open to us interior views into the character of a man who, before the world, seemed, perhaps, a graver and more ambitious person than they unfold. This current of gaiety which runs so transparently through the depths of his mind, and which seems to mingle its waters even with its most earnest meditations, is never discolored by an impure thought, but reflects at all times, upon its surface, an innocent and religious nature.

The months of August and September—the Attorney General's usual term of exemption from business—were agreeably spent in a tour with some of his children, to the Falls of Niagara, thence, by way of Lake Champlain, to Montreal, and back to Washing-

ton,—a tour which furnished occasion for many pleasant descriptive letters to those he had left behind.

As the presidential canvass advanced, the demonstrations of popular opinion pointed more and more clearly to the probability, and even certainty, of the success of General Jackson. The party then in power regarded such an event as hostile to the political predominance with which they were associated. They foresaw that it must necessarily result in the establishment of a new political combination, and in the overthrow of that system of administration and party organization which was derived, through a lineal succession, from Jefferson and Madison, and had held the reins of Government through seven continuous presidential terms.

A question now arose as to the duty of the cabinet officers in such an event. On the part of the gentlemen who composed the cabinet, I believe, there was no dissenting opinion, as to the propriety of their own resignations. But this was, by no means, a settled opinion, at that time, in the country. The election of Mr. Jefferson in 1800, presented the only case which yet had arisen for the establishment of a precedent, in the history of the Government; and that single instance was not deemed, by many, sufficient to settle the question. This would be the second occasion, if General Jackson should be elected, when there had been a party revolution in the administration of affairs. Mr. Jefferson's election put an end to the rule of the federal party—superseding it by one adverse in all points. General Jackson's election would do the same thing with the successors of Jefferson;—not superseding it, however, so distinctly and with such specific antagonism, as in the first case, but, still, sufficiently so, to present a question whether the members of the existing cabinet were not placed under a clear obligation to withdraw from their posts by voluntary resignation.

Upon this question, I am able to present the opinion of Mr. Monroe in a letter casually written to the Attorney General in the course of a friendly correspondence whilst the issue of the pending election was yet unascertained:*

* The practice of the cabinet on the point discussed in this letter, has been so decisively settled since that date, as to make it a matter of surprise that it should ever have been a subject for question.

MR. MONROE TO WILLIAM WIRT.

Oak Hill, October 24, 1828.

Dear Sir:

* * * * * *

Whether the present administration ought to withdraw, in the event of Mr. Adams not being re-elected, is a question of great delicacy as to the members, and of interest, by way of example, as to principle. They hold their offices as others do, as servants of the public, not the President's. Their appointments do not cease with his. They are responsible, each, for the faithful performance of his duties. He, likewise, is responsible for them. In this respect, there is a difference between our Government and that of Great Britain. In the latter, the minister alone is responsible. The office of the chief being hereditary, he is beyond the reach of impeachment. With us, both may be impeached—the chief and the ministers. They are also his counsellors. In some views, therefore, they may be considered as holding an independent ground: that is, as depending on their good conduct in office, and not on the change of the incumbent. In others, the opposite argument appears to have force. When a difference of principle is involved, it would seem as if a change would be necessary. But where such difference does not exist, the danger is, by connecting the members with the fortune of the incumbent, of making them the mere appendages and creatures of the individual,—which may have, in certain views, in the progress of affairs, an unfavorable effect on our system. Whenever things get to that state, that measures are approved or disapproved by parties contending for power to promote the success of their favorite, principle is lost sight of, and the people cease to be sovereign—or rather, to exercise the sovereign power in a manner to preserve it. They become instruments whereby the basis of the system will be shaken.

Still, as the heads of departments are counsellors, and wield important branches of the Government, I do not see how they can remain in office without the President's sanction, nor wait after his election till apprised of his decision by himself.

This view is much less applicable, in every instance and circumstance to your case than to the others. Your duties are different. The President has less connection with and less responsibility

for the performance of them. Your standing is, likewise, such,—nothing unfriendly having occurred between you—that I should think he (General Jackson) would wish to retain you.

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Your friend,

JAMES MONROE.

CHAPTER XIV.

1829.

GENERAL JACKSON ELECTED.—STATE OF PARTIES.—WIRT REMOVES TO BALTIMORE.—CHARACTER OF THAT BAR.—LETTERS TO CARR AND POPE.—CHANGES AT WASHINGTON.—IS CALLED TO BOSTON ON BUSINESS.—TRIALS OF CAUSES BEFORE THIS IN PHILADELPHIA.—PARTICULARS OF HIS BOSTON VISIT IN LETTERS TO HIS FAMILY.—HIS RECEPTION IN BOSTON.—HOSPITALITY.—THE INTEREST TAKEN IN THE TRIAL.—LETTERS TO CARR AND POPE ON THE SUBJECT OF THIS VISIT.—HIS OPINION OF NEW ENGLAND CHARACTER COMPARED WITH VIRGINIA.

THE election terminated in favor of General Jackson. He was inaugurated, as President of the United States, on the 4th of March 1829. On this day the democratic party, which had been predominant in the administration of the affairs of the general government for twenty-eight years, surrendered its power into the hands of that new party which had been brought together by the popularity of the hero of New Orleans. The new party was a miscellaneous one. It embraced all that portion of the federalists who were anxious to come into power,—by no means a small host.—It absorbed a large number of the young politicians who had grown up to manhood during the period of General Jackson's military career. It attracted and embodied such portions of the masses of the people, as conceived the chief magistracy to be an appropriate reward for distinguished military exploits—always a large number of persons in every government. The leaders in this combination were eager and practised politicians, bred in the schools of both of the parties which had heretofore divided the country. Their political creed, therefore, was various, according to the school in which each had been educated; but it was accommodating and sufficiently held in the back-ground, to enable it to await events. The opinions of the chief himself were so far indefinite as to give each section of his party hopes of finding it an easy matter to comply with his taste in respect to measures. Old democrats and old federalists were united in his cabinet, without

any visible contrariety of position. It was an era of surrender and compromise of old antipathies, with an implied promise of silence, for the future, on old topics. By-gones were to be by-gones. The destination of the party was to be settled hereafter. Its principles and measures were to be left to the chapter of accidents. For the present, all differences were submerged beneath the General's unbounded and unparalleled popularity. This was the condition of that new party which had just overthrown a political domination of twenty-eight years, and which was fated itself to be overthrown in twenty years more.

The democratic party, on the other hand, was, also, destined to witness some changes in its organization. It necessarily became the recipient of all those who could not fall into the ranks of the new party. The country instinctively takes sides. Those who cannot consort with a new administration, associate themselves with those who oppose it. Where every man must vote, the suffrage that cannot be given for those in power, must be given for those who are against them. When there are but two parties, this is inevitable.

Under the influence of this necessity, that portion of the federal party, which could not follow their brethren into the ranks of General Jackson, dropped into the ranks of the democrats. In this strange re-combination of old elements, the former party names were laid aside. The democratic party, with its new allies, thenceforth took the name of National Republicans. Those in power called themselves Jackson men. The course of administration, in a few years afterwards, was such as to awaken all those ancient jealousies which had roused the spirit of the whigs of the revolution. From that era the democratic party resumed its oldest and most cherished designation, and came forth once more, in full organization, as the Whig party;—in which name it has now triumphed. In which name, also, it won that short victory of a few months, sadly memorable for the first funeral and the first defection in the White House.

The Jackson party was also compelled to seek new designations. In due course of time it became the Van Buren party; and as that was of a nature even more fleeting than the last, it was accounted a rare piece of good fortune when it stumbled upon the name of "The Democracy," which lay derelict by the

way side. Neither parties nor individuals are apt to be over scrupulous in assuming titles which may turn to profit—however little they may comport with the character of the wearer. In a state of war, especially, titles are often assumed which denote the very opposite of the true character. Thus it has fallen out, at last, that they who made battle against and overthrew the democratic party, have, with the other spoils of victory, seized and worn the very name itself of the vanquished.

—But this topic better belongs to political history. I have referred to it here, in this casual way, only because it is connected, at this era, with the personal history of the subject of this Memoir, and is called up to our notice by some of the letters of this period.

Mr. Wirt looked without regret to the termination of his public employment. As he grew older the labors of his office became more irksome. He longed for the opportunity of a more exclusive devotion to his profession. In the arrangement of his plans for the future, his attention was divided by a choice between a settlement in New York or one in Baltimore. Strong inducements were offered to him, in the representations and persuasions of friends, to select the former city as the place of his future practice. Other counsels, however, outweighed those, and he determined upon Baltimore. Thither he removed his family, in the month of April, to make a permanent home.

His practice in that city was always large, and was increasing. The bench and bar were very much to his liking. He became intimately associated with them, and found amongst them many valuable friends. He had several times spoken of them, with great unction, in his letters to his friend Pope—one of these letters my readers have seen. The members of this professional brotherhood were, to an extent not usual in larger communities, social in their habits, familiar in intercourse, droll and sparkling in their convivialities, scrupulous in professional courtesies, and strongly tinctured with the exclusive and racy spirit of their clique—in all which points they presented potent attractions to the congenial temper of their new associate.

The Baltimore bar, at that date, exhibited in its composition a somewhat remarkable aspect. It had but very recently been distinguished by an extraordinary assemblage of the highest order of

talent:—men who, singly, would have shed lustre upon any professional assemblage in the country, and who, united on this theatre, composed a constellation which attracted universal notice. Luther Martin, William Pinkney, Robert Goodloe Harper, Roger B. Taney and William H. Winder, were all names of commanding eminence. William Wirt came in amongst these to add new radiance to a galaxy already of the brighest. For a season, they were all contemporaries; but for a brief season only. Nearly all these lights went out together. Of the six, Mr. Wirt and Mr. Taney were all that remained within the year of Mr. Wirt's settlement in Baltimore. A younger generation stood behind them. A long interval, we may say without depreciation of the merits of the successors, separated the present from the past. Meredith, Johnson, Glenn, McMahon, Mayer, and others kindred in character and ability, were, comparatively, young men and were now to step into the places of their file-leaders who had fallen in the battle of life. That column has since advanced to occupy an honorable ground in the van of a large array of talent and worth. Mr. Wirt and Mr. Taney stood amongst them and at their head,—instructors to guide, models to be imitated, gifted with all qualities to stimulate the ambition of generous minds striving after an honorable fame. It could not be otherwise than that such a connection, engendering love and reverence from the one side, should awaken affection and esteem, somewhat akin to that of fathers, on the other. To Mr. Wirt, now no longer a stranger, this connection was inexpressibly attractive. He loved the fellowship with which he was united, and pursued his labors, in this field, with a cheerful devotion which showed how much those labors were lightened by the pleasure that fellowship afforded.

We recur now to the letters.

TO JUDGE CARR.

WASHINGTON, February 28, 1829.

MY DEAR FRIEND:

I never saw your kind letter of the 21st till about ten minutes ago. It must have arrived from the office during my absence from my house at the Capitol; and, amongst several other letters, was

put aside, and in the *hurry-scurry* in which we are now passing our time, forgotten until accident brought it to my view a few moments ago.

I would not have you believe me capable of neglecting for a moment so kind a letter from so beloved a friend—nor that I am affecting Lord Bolingbroke's sentiment, that "in my prosperity my friends shall always hear of me; in my adversity, never."—In truth, I feel no adversity—no diminution of prosperity, no depression of spirits, mind, body or estate; on the contrary, I feel that a barren mountain is about to be taken from my breast in this oppressive office,—barren of every thing but the mere honor, of which I have had enough, and which, thank God, I have not tarnished.

Pinkney and Emmet both died "with harness on their backs,"—and if I were to continue to bear the conjoint burthen of duties of Attorney General and private practitioner, I should probably do the same. I am, therefore, greatly relieved by getting rid of one-half of the burthen, and trust confidently that I shall be able to carry the residue with more glory than ever, and without sinking under it. In the martial exercises of Greece and Rome, you know, they carried heavier armor than it was necessary for them to bear in actual war, that the latter might seem, and in fact be, comparatively light.—So I hope I shall find it.

* * * * * *

My wife, on a full view of the whole ground, gives the preference to Baltimore. She is delighted to get away from the threatening storm and from the new association here—and my children are all reconciled to it. I have, thank God, a happy, innocent and most affectionate family, and I have every prospect in a few years of placing them in independent if not affluent circumstances. I am bright and buoyant with hope, and shall meet the spring of the year with all its own appropriate gaiety and cheerfulness. As Erskine said, when they turned him out of the office of Chancellor, "I am much obliged to them, for they have given me, in exchange for a dog's life, that of a gentleman." I have greater confidence in that God who has never forsaken me, even in those headlong moments of my life when I have forgotten myself;—and in addition to this, with so much on earth to cheer and support me, such a family, such friends, I should be a poor wretch, indeed,

to despond. God willing, you shall hear of me in time to come to my advantage.

But you must continue to write to me.—For three and thirty years your letters have had more influence on me than those of any other man. Your conversation, your letters, your friendship, your encouragement, have always acted on me like charms. I confess that I am constitutionally weak enough to require to be told by my friends that they approve my course. I am dog or cat enough to love them to pat me on the head, and call me a fine fellow. I have been used to this sort of petting, and it is sweet and cheering to me. I believe that if they were all to quarrel with me, and break off from me without cause, (and I will take care that it shall be without cause if such a calamity shall ever befal me,) I have pride and manhood enough to bear me up with a high head; but I should much prefer not to be put to the proof—and you, I am sure, are not the man who will ever forsake me. "We clomb the hill thegither"—and we now totter down, and will "sleep thegither at the foot, John Anderson my Jo."

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This is the last letter I shall ever frank to you as Attorney General. We hope to be established in Baltimore in April or May at the farthest. Heaven bless and prosper you!

Your true and ever devoted friend,

WM. WIRT.

TO WILLIAM POPE.

WASHINGTON, March 22, 1829.

It was my intention, my dear friend, to write to you by Mr. Archer, but I was so much pressed by the Supreme Court, about the time of the rising of Congress, that I could not find a moment for friendship.

My health was nearly broken down at the commencement of the court, for it followed immediately on a long and hard campaign which I had in Baltimore, and the double duty of preparing both for my public and private causes. A short respite restored me, and some of the hardest forensic battles I ever fought, have been since my recovery. I am now as well as ever, and buoyant with even youthful hope and expectation.

The office I have held for the last twelve years, I have filled without discredit to my country or myself—I hope with some honor to both. I leave it without a single reproach even from my enemies—if I have any,—and with the respect, I might say the affection, of the Supreme Court.

* * * * * * *

The General, I fear, is in the hands of two or three most miserable advisers:—private and not official advisers, I mean. Some of his appointments for the cabinet have astounded the more enlightened part of his political supporters.* One of them has been heard to say—"this is 'the Millenium of Minnows.'" McL. of Delaware is reported to have declared that his political life was closed—that he should resign his seat in the Senate;—John Randolph, that he should throw up his commission in the line. I see that he has since declined a re-election.

* * * * * * *

It is matter of relief both to my family and myself to get away from such a scene of contention and confusion. I shall feel prouder and happier in the rank of a private gentleman than I have done here for the last four years. * * The more I see of public life the more sick I become of it, and the more deeply I am convinced that all is vanity and vexation of spirit beyond the happy domestic and social circle. I am blessed in my family, blessed in my friends: I have a well-founded hope of leaving those who are immediately dependent on me provided against want, and of dying, as I have lived, esteemed and beloved by those whose esteem and love I prize above all earthly possessions.

* * * * * *

I shall have a busy summer, for I have to argue a cause in Boston, about the twentieth of June, and must hurry back to the Court of Appeals in Maryland. I am not likely to rust from inactivity.

* Without designing to cast an injurious reflection upon any member of that cabinet, I am enabled to make, at least, one exception from the partial disparagement implied in the text, by the following extract from a letter of Mr. Wirt's, written to a friend a short time before the organization of the cabinet—in which he says, in speaking of his prospects of future practice in the Supreme Court,—"As to the Supreme Court, if Jackson appoints a splendid fellow for Attorney General—Mr. Berrien, for example—he will diminish the attraction of that court very much by taking away a great part of the bone of contention."

* * * * * * *

How comes on Montpelier?—Have you any fun afloat? How does time sit on you? Lightly, I hope, as ever. Old age could scarcely be said to have reached you when I saw you last—for your life has been perpetual youth, like the constant spring of the tropics,—fruits and flowers flourishing on the same tree in endless succession.

Thirty-one years, man and boy, have we known each other,—and I have seen in you no variation nor shadow of turning. Time and death seem to be disarmed by your kind and cheerful heart, and are reluctant to spoil your sport. May you flourish in immortal youth, "unhurt amidst the war of elements, the wreck of matter, and the crush of worlds!"

* * * * * * *

Virginia will ever be dear to my heart,—settle and die where I may. I love the State and the people. Men are there far dearer to me than any others I can ever know. They are such as I shall not encounter again on this side of heaven. It is not choice, but fortune, that separates me from the State.

* * * * * * *

But life, my dear friend, will soon be over with us both, and we shall have to try another scene of things. Yet, my spirit does not darken at it,—for God is merciful,—and my sins have been follies, not crimes.

* * * * * * *

Your friend,

WM. WIRT.

Mr. Wirt was now about to test his professional reputation upon a new and distinguished theatre. In his letter to Mr. Pope he announces, as we have seen, that he was engaged to try a cause in Boston, in June. He was not altogether unused to appear before tribunals out of the range of his ordinary practice. In the years 1826, '27 and '28, he had been employed by the Government to aid in the argument of some important causes in Philadelphia, which had acquired celebrity throughout the country from the magnitude of the interests involved, as well as from the extraordinary character of the facts. The profession will remember them, when I say that they grew out of a seizure, by the Government, of

a cargo of teas alleged to have been irregularly imported. The Attorney General took a leading part in these trials, and won for himself new forensic honors, in the estimation of the astute and intelligent bar in whose forum the cases had been disposed of. He had occasion to allude to this in a letter to his friend Pope. Speaking of the unfavorable impression which had been raised against his professional character by the publication of his few literary works, and alluding particularly to the British Spy and the Old Bachelor as "recreations, written merely for the newspapers, in which they were first published," he said:—"They have certainly contributed to impair my reputation for strength of mind, and to fix on me the character of a flowery declaimer. In Philadelphia,"—he added—"the lawyers made no bones of telling me that they expected only a siren song, and had heard a powerful argument. It was the same thing in Baltimore, when I first came here; and so it was in Washington. So that I brought a bad forensic character with me, and I have been struggling, ever since, to overcome it by giving up rhetoric and sticking to logic and to law. I have reason to believe that I have succeeded, wherever I have appeared, in bettering my character somewhat as a reasoner and a lawyer."

He was now to bring the opinion, expressed in this extract, to the ordeal of a rigorous criticism in a distant court, where, it may be believed, the professional judgment was not likely to be swayed by personal favor—nor yet rendered unduly severe by foregone prejudices. Where, in fact, the lawyer would be very likely to be measured by his merits.

The Boston case in which he was employed was that of Henry Farnum, administrator, *de bonis non*, of Tuthill Hubbart, against Peter C. Brooks. It was a case upon a bill in equity, brought before the Judges of the Supreme Court of the State, involving an investigation of a long train of accounts, and as little likely, perhaps, to enlist interest beyond that of the parties immediately concerned in the issue, as any case on the docket. Mr. Wirt was employed for the plaintiff, assisted by Messrs. Nicols and Rand. The opposing counsel was Mr. Webster, with Messrs. Warner and Gorham for his colleagues.

This is an outside view of the field of battle and of the array of the parties.

Mr. Wirt had not yet made himself entirely at home in Baltimore, in his new establishment, before he set out on his journey to Massachusetts. As this visit was a somewhat notable event in his life, and as it brought him many new and strong impressions, I shall make a free use of the letters written, during his absence, to his family and to other friends, so far as they may enable me to present the more prominent objects which occupied his attention amongst the many which contributed to his gratification.

On the 11th of June he was in New York. Having so recently entertained a purpose of making this place his home, his attention was naturally drawn here to the observation of one of the courts in session. He had a day to spare and a friend furnished him the opportunity he desired. Our friends in New York will smile at the disappointment he encountered. Perhaps things are better now. He writes to Mrs. Wirt:—

"Judge Hoffman, who was sitting alone, invited me on the bench, which I declined. They gave me a cushioned chair on the floor. I was curious to see a New York court in operation. It was an exceedingly poor spectacle:—a poor room,—miserable arrangements,—the lawyers huddled together at miserable little tables. Such a jumble of petty confusion I never saw, even in the poorest county court house among the mountains of Virginia. We are princes in Baltimore, in the comparison. They had commenced the trial of the cause in hand two days before, beginning at eight o'clock in the morning and adjourning two hours for dinner. They had resumed the session that afternoon at five o'clock, and were to sit all night,—the judge said,—or 'till the cause was ended. They, perhaps, sat last night 'till ten or eleven. O—— told me his fee would be one hundred dollars. What a business! I should expect two or three hundred, at least, in such a case. I was not much smitten with the spectacle—and less with the rate of fees. So, as at present advised, I shall stay in Baltimore."

TO JUDGE WM. H. CABELL.

Boston, June 14, 1829.

My Dear Cabell:

* * * * * * *

I got here the evening before last. Boston, seen in the approach and with all its revolutionary associations, is the most beautiful and interesting picture I ever beheld. New York is not to compare with it; even our beautiful Richmond, dearly and tenderly as I love it, sinks under the comparison.

I walked through the town last night, with Webster, by moonlight, and was quite overwhelmed with the air of wealth exhibited in the vast number of granite and brick palaces which abound through the place. We went to see the famous Faneuil Hall. How my breast swelled at the recollection of the scenes enacted there! Especially that powerful appeal of Quincy's which Marshall gives us, beginning, "Mr. Moderator, it is not the spirit that vapors within these walls," &c. Do read that speech and tell me if it does not beat Logan in eloquence.—

—There go the church bells! What a number, and variety of note, and distance, from every quarter of the town! It is a famous place for bells and music of all kinds, from Yankee Doodle to Old Hundred.

* * * * * * *

This is certainly the most hospitable place in the world. I arrived here two evenings ago at six, when visiters began to call, and continued to do so after I went to bed. All yesterday they were coming, 'till I had to say at the bar, I was not at home. Then came cards and invitations to dinner and evening parties.

"What am I to do with all these, Mr. F.? (my client.) How am I to answer all these invitations?"—"You will please to say, sir, that you are private property 'till my cause is over." I took him at his word, and wrote that, as my apology, which I showed him. "Very well sir,"—said he—"I will endorse it."

To day is Sunday, but visiters are still calling.

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They must wait until I have done with this cause. It is an old insurance account, of forty years standing, and I am following the explanations of one of the truest-nosed beagles that ever was put

upon a cold trail. He is a fine fellow, as true as a rifle; and it is quite a curiosity to see him threading these old mazes.—I shall have a hard heat in the cause. The trial commences on Tuesday. I am brought here to combat Webster on his own arena—and I think I shall gain the day, which will be a great triumph. Having grappled with my adversary before, I know his strength and all his trips.—It is a good way towards victory to feel undaunted. My health and spirits are uncommonly good.

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Yours affectionately,

WM. WIRT.

TO MRS. WIRT.

JUNE 15, 1829.

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"Every body is exceedingly kind.—I have not returned a single visit yet, except Blake's and Webster's. Webster receives and treats me with a kindness and cordiality that cannot be exceeded. Dabney Carr himself could not receive me with more assiduous attentions. His manner is plain, warm and cordial, without parade.—He is in my room two or three times a day.—Otis has been twice with me, pressing me to dine with him. Judge Story insists that I must go to Salem to see him. My cause begins to-morrow, and will last a week. I have been employed in another case in the Supreme Court.*

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JUNE 21.

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"Our adversaries opened their case yesterday in a speech of six hours.

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"I have an exceedingly tough cause of it. The court, I fear, is against us. The case is intrinsically very difficult, complicated and extensive, and is a very severe task. I am pursuing it with great labor.

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"What shall I say of these people, from whose kind hospitalities I have to beg for quarter till my cause is over. I have never

* He was retained at this time, in the Warren Bridge case.

received such a profusion of attentions any where in my life. I I have not yet returned a visit nor accepted an invitation. I must stay two or three days, after my argument is ended, to give some evidence of my gratitude, at least, by returning my visits. And I must run down to Salem to see Judge Story.

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"Webster speaks to-morrow in this great cause. I, on Tuesday, I suppose. Mr. Adams is hourly expected. I must go to see him at Quincy."

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JUNE 28.

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"I have told you how kind Webster has been to me.—He praises my speech.—'Our people thought highly of you'—he told me—'but they had no idea of your strength. The judges have spoken on the subject and expressed their gratification. You will carry back a far higher reputation than you brought with you. You have taken wonderfully with all our people,' &c. &c. All this was so warmly and earnestly said, that it made me love him.—I thank God, for bringing me safely out of what I thought a most trying situation. I went to court on Wednesday with more despair than I ever entered a court room in my life. I would have given any sum in my power, never to have come to Boston. I was worn out by the week's trial, prostrate, nerveless: and so crowded was the room with ladies and gentlemen, that I could scarcely get in. You would have pitied me, if you had seen my sinking heart. And yet,—in a speech of five hours I was never better satisfied with myself.—Such vociferous plaudits!

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"When I had finished, Mr. Brooks, who was the defendant against whom I had been trying the cause, came to me at the bar, and, taking my hand, spoke to me in the kindest terms, expressing his high satisfaction at my demeanor towards him during the trial. His friends have been amongst the most attentive persons to me. My clients, on the other hand, are delighted."

* * * * * * *

Mr. Wirt, remained in Boston several days after this trial. His sojourn there was marked by every manifestation of kindness which the well known hospitality of the city could supply. The newspapers were full of encomium of his eloquence, his legal learning, his exalted professional deportment. Every honor that could be showered upon a private citizen, by private courtesies, was heaped upon him. These demonstrations of esteem very sensibly affected him. It was the first opportunity he had ever enjoyed to witness and appreciate the high cultivation, refinement and elegance, and especially the genial social virtues of New England. We have seen, in the earlier pages of these memoirs, what crude and false notions he had adopted, in regard to the characteristics of the people of the North. He then spoke in the language of that absurd prejudice which was almost universal, south of the Potomac, in its tone of depreciation of a people whose many admirable qualities, both as communities and individuals, were strangely unknown to ninety-nine out of a hundred of those who passed judgment upon them.

His few journeys, of late years, into New England, had disclosed to him how little he had understood the character of this great and prosperous community, and had, as might have been expected, entirely dissipated those illiberal conceptions in regard to it which had so long retained their ground in the Southern States;—which, indeed, are not yet wholly eradicated. The present visit to Boston had given him further insight into the texture of this society. It had opened to him a near view of a community which, whether considered in its political structure, or in its social or individual elements, is unsurpassed—perhaps, we may say unequalled in the world.

He returned to Maryland, if not a wiser and better man, by the experiences of his journey, certainly better furnished by them with pleasant recollections and delightful pictures, with which to recreate and delight his mind for the remainder of his life. The scenery, the historical associations, the people, the pursuits of New England, and the elegant hospitality of Boston, fascinated his imagination, and became the constant themes of praise to his friends.

In the first moments of his leisure, after reaching Maryland, he wrote the following letter, which recurs to the visit in a tone of

self-gratulation, appropriate only to the ear of friendship; but the more worthy on that account, of our perusal.

TO JUDGE CARR.

ANNAPOLIS August 3, 1829.

MY DEAR FRIEND:

I write without being certain where this letter will find you.* But I shall direct to Winchester at a hazard. The date will inform you that I am not quite so much of a freeman as you are; for I am here engaged in a tough controversy between the Chesapeake and Ohio Canal and the Rail Road Company of Baltimore. We have now been at it for a fortnight. * * * So that here am I, in the tug of war, this hot weather—while you "*recubans sub tegmine fagi*," are quaffing the mountain breezes—and probably Bedford water—and, for aught I know,

"Formosam resonare doces Amaryllida silvas,"

that is, if there be an Amaryllis amongst your grand-children.

But I can envy you no happiness, my dear friend. My only regret is that I cannot share it with you.

* * * * * * *

Sometimes I begin to think that labor is going harder with me than it used to do, in our younger days. But when I come to think more closely and candidly of the matter, I am obliged to confess that labor did always go hard with me, and that it liked me not. I was even with it—for I liked it not, which, I believe, means the same thing. The only difference is, that I am more tired of work than I was in the beginning. Not that my faculties are impaired, but that it seems to me now very much like "the dog returning," &c. I do not say "the sow returning to her wallowing in the mire"—because she always does so *con amore*.

I find that there is much more trouble and less pleasure in supporting a reputation than in gaining it. In gaining it there is nothing behind at stake. An obscure young man cannot lose, but

* Judge Carr, as we have seen, was now a resident of Richmond, but as the family of his daughter resided in Winchester, he usually spent a portion of the summer there.

may gain, and all is bright and alluring in the prospect. But when a man has reached his summit, he puts his all at stake at every cast of the die. A single failure, it is true, may not hurt him amongst those where he is well known, as it will be set down to accident. But it is different when one goes to a new place—as I have lately done, in my trip to Boston.

My chief comfort in that expedition was that I believed I was regarded in the North generally, as little more than a florid declaimer, and that, if I made a creditable exhibition of good reasoning powers, I should save myself and come off very well. So, in the argument of my case, I reasoned as dry as a seasoned stick. But there was something in my manner, perhaps, to which they were not accustomed, and my dry stick was thought to be a budding and flowering rod, like the wand of Aaron. That opinion brought me off with flying colors.

Have you seen any of the hundred puffs they gave me in the papers? But, if you had seen them all, it would hardly have given you a just idea of the regard which was shown me. You know I have never had an ambition to be set up for a lion. Yet they seemed to think me such an animal, and treated me accordingly, until I was absolutely ashamed of myself.

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Still, as there would have been an apparent vanity in showing myself conscious of the light in which they regarded me, I could offer no resistance.

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If I were to tell you one-half the fine things that were said to me, and of me, in my hearing, you would think me the vainest dog extant. Yet I know how much gratified you are to hear me praised.

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Now, after all this, you will not be much surprised to learn, that I think the people of Boston amongst the most agreeable in the United States. I suppose their kindness to me may have some effect on my judgment;—but, divesting myself of this, as much as possible, I say they are as warm-hearted, as kind, as frank, as truly hospitable as the Virginians themselves. In truth, they are Virginians in all the essentials of character. They speak and pronounce as we do, and their sentiments are very much in the

same strain. Their literary improvement, as a mass, is much superior to ours. I expected to find them cold, shy and suspicious. I found them on the contrary, open, playful and generous. They have no foreign mixture among them,—but are the native population, the original English and their descendants. In this, too, they resemble the people of Virginia, and, I think, are identical with them. They are, in republican principle and integrity, among the soundest, if not the very soundest of the people of the United States.—Would to Heaven the people of Virginia and Massachusetts, knew each other better! What a host of absurd and repulsive prejudices would that knowledge put to flight! How would it tend to consolidate the Union, threatened, as it is, with so many agents of dissolution!—My heart is set on bringing about this knowledge. How shall I effect it? If I write I shall be known, and be supposed to have been bought by a little kindness and flattery. * * I believe the prejudices are all on our side. The people of the North resent what they suppose to be the injustice of Southern opinion. Let them have reason to believe that we regard them with respect and kindness, and they will not be slow to give us theirs. I found it so in my own person.—And so, I believe it will be found by every man of sense from the South who visits them. What a fool have I been to join in these vulgar prejudices against the Yankees! We judged them by their pedlers. It would be as just if they were to judge us by our black-legs.

* * * * * * *

I look upon your situation with great pleasure. In the retrospect, you have, to be sure, losses and privations to mourn,—but these are inseparable from the lot of life; and grief for the past is unavailing. Looking to the present, how happy is your situation! What an honored retreat have you found for your age! A respected Judge of the highest court of the State,—your daughters happily settled,—your own circumstances at ease,—your ambition, I presume, satisfied. What a quiet and honorable haven!—and most richly deserved,—"an it were a thousand times greater." Nor, can I complain. I have gained all and more than all the distinction I have deserved, I am now in the worldly eye at the top of my profession,—and in a swimming practice. What gratifies me most is that I am accounted an honest and virtuous

man. This is the crown of old age. With the blessing of Heaven, my sun shall set without a spot.

* * * * * *

I have sometimes thought that with prudence, industry and exertion, I might have earned a higher reputation in literature, and written something worthy of preservation. The Boston people say, in their newspapers, that my writings do not afford an advantageous view of my taste and talents. They are probably right. But this is the fault of haste and indiscretion. I ought either never to have written, or to have written more carefully.—But enough of myself, and of every thing else, at present.—My best love to your household.

Your friend,

WM. WIRT.

In a letter to his friend Pope, soon after this, Mr. Wirt gave him a long account of his journey and its incidents; and took occasion to expatiate upon that topic which, seems so much to have engrossed his thoughts at this time,—the resemblance between the native population of Virginia and that of Massachusetts. This resemblance has often been noticed by others. The reader may be amused with some illustrations of it given in this letter.

"I am, by no means, prepared to admit"—he remarks—"that the comparison would be against New England, in regard to this same delicate tact and refinement of manners. Let me give you two anecdotes which will show you the deportment of each of the sexes.—

"Do you remember Bishop Madison, formerly the President of William and Mary? You will remember his gentleness of spirit, and the kindness and courtesy of his address. You have never seen him recover himself from one of those embarrassments into which his affability sometimes betrayed him, with more delicacy and address than President Quincy of Harvard did on the occasion I am about to relate. He happened, when I made him a visit, to ask me in what college I had graduated. I was obliged to admit that I had never been a student of any college. A shade of embarrassment, scarcely perceptible, just flitted across his countenance—but he recovered in an instant, and added most

gracefully—'upon my word, you furnish a very strong argument against the utility of a college education.'—Was not this neatly said, and very much in the style of Bishop Madison?

"The other story will be more to your liking. In a large and promiscuous assemblage of ladies who formed, for several days, a portion of the auditory in the court room, I was struck with the beauty and intelligence of one who sat immediately before me. She conversed occasionally with a gentleman near her, and her movements were as graceful as her eyes were intelligent. A few days afterwards, I found myself in company with her at dinner. Her conversation confirmed and even surpassed my prepossessions. She reminded me continually of M. M. in her best days;—the same graceful manners, the same spirit and piquancy in her remarks. The last evening I spent in company in Boston, was at her house. She had a little circle around her, of which she was the soul, and 'the hours flew on angel's wings.' When we were about to retire, I asked her to permit me to take leave of her in our Virginia fashion, by a shake of the hand. She gave me her hand with great animation; it had a glove on.—When I had reached the door she came briskly to me again—saying 'we did not shake hands in the right way, Mr. Wirt,—I had my glove upon my hand.' And she offered me the same hand again ungloved, and snow white; and so—I took it and kissed it, with all the devotion proper to fifty years. My friend B. who accompanied me, who is about my age, but with the disadvantage of being a single man, said—'Now, madam, you must shake hands with *me*.' And he offered to take the hand which had been proffered to me. 'Not that, Mr. B——' said she, presenting him the other with its glove.—Is not that M. M. over again—and Virginia, besides? You should have seen the gaiety, grace and sensibility which accompanied the action, and which threw such a charm over it."

CHAPTER XV.

1830.

MR. WIRT EMPLOYED AS COUNSEL FOR JUDGE PECK ON HIS IMPEACHMENT.—ENGAGED FOR THE CHEROKEES.—HISTORY OF THE CHEROKEE CASE.—CORRESPONDENCE IN REGARD TO IT WITH MR. MADISON AND JUDGE CARR.—IS ASSAILED IN THE PAPERS FOR TAKING A PART IN THIS CASE.—HIS VIEWS OF HIS DUTY IN REFERENCE TO IT.—PRESENTED AS A CANDIDATE FOR THE HOUSE OF REPRESENTATIVES.—ADDRESS TO THE STUDENTS OF RUTGERS COLLEGE.—ADDRESS IN BALTIMORE ON OCCASION OF THE FRENCH REVOLUTION OF JULY.

Mr. Wirt was now employed as counsel in two causes which, during the present and the ensuing year, largely attracted the public attention. One of these was the impeachment of Judge Peck by the House of Representatives. The other was the celebrated Cherokee case which occupied so conspicuous a place in the debates of Congress, and which, more than once, found its way into the Supreme Court.

The controversy between the State of Georgia and the Cherokee tribe of Indians fills an eventful page in the political history of this period. It is memorable for its excitements, its influence upon the feelings of a large section of the Union, and for the extraordinary proceedings to which it gave rise.

The Cherokees were a large and powerful tribe, who occupied a tract of country which embraced a portion of the territory now lying within the limits of Georgia, North and South Carolina, Tennessee and Alabama. There they had dwelt from time immemorial, a warlike and independent nation.

Before and during the war of the revolution, they were engaged in frequent hostilities against the white population of the neighboring states. In the course of these hostilities they were subject to severe reprisals. On one notable occasion, a combined attack was made upon them by the troops of North and South Carolina and Virginia. They were driven from their habitations, several of their villages were burnt, and a portion of their terri-

tory occupied by the assailants, who made their possession sure by the erection of fortifications. This invasion led to the negotiation of treaties, by which the tribe acknowledged the conquest, and ceded to the states, within whose chartered limits their territory lay, the lands which were thus conquered from them. These treaties were negotiated in 1777. That which concerned Georgia and South Carolina, known as the treaty of "Dewitt's Corner," was made by commissioners duly appointed by those two states respectively. I have referred to this treaty, because it is said to be an authentic foundation to the claim of Georgia over a part of the Indian territory.*

The result of this invasion and of the treaties which ensued, was to force the tribe into the more southern region, and to increase their numbers within what was then embraced by the Georgia charter.

After this treaty, that portion of the tribe which still remained on the conquered territory, it was affirmed, held their occupancy only in subordination to the authority of the states within whose borders they were.

In the year 1785, the old Confederation negotiated, with these Indians, the treaty of Hopewell. This was a treaty which terminated a war. It stipulated for an exchange of prisoners; established a species of guardianship over the tribe; bound the Federal Government to protect the tribe against the intrusion of the whites, and finally conferred upon the tribe the privilege, if they chose to exercise it, of sending a deputy to Congress.

Georgia protested against this treaty,—holding that the Confederation was not competent to treat with Indians within the State limits. The subject of this protest was considered by Congress. It was decided against the State, and Georgia acquiesced.

After the Constitution of the Union was adopted, General Washington negotiated, in 1791, the treaty of Holston with these same Indians. This was, like the former, a treaty of peace and friendship. It was also a treaty of limits and cession. It, more explicitly than the former treaty, bound the Government to the duty

* The opponents of the Georgia claim have denied, it is proper to say, that any portion of the land ceded by the treaty of Dewitt's Corner, lay within the chartered limits of that State. They described it as entirely within the boundaries of South Carolina.

of protection and guardianship over these primitive people. It announced the strong desire of the Government to see them advance in civilization,—"to become herdsmen and cultivators, instead of remaining in the state of hunters," and engaged to furnish them implements of husbandry. An important article of this treaty "solemnly guaranteed to the Cherokee nation all their lands not therein ceded."

In due succession, in a course of more than thirty years from the date of this treaty, thirteen other treaties have been ratified by the Federal Government with the same tribe. They exhibit frequent cessions of territory by the Indians, and contain repeated recognitions of the obligations of the treaty of Holston and renewals of the guarantee. The cessions of land made by these treaties, have generally enured to the special benefit of Georgia. From time to time, she has found portions of her chartered domain thus disembarrassed of her Indian population.

Georgia originally comprehended within the limits of her charter, all that tract of country which now constitutes the states of Alabama and Mississippi. This territory the State ceded to the United States in the year 1802. The cession was made, amongst others, upon two conditions. The first, that the United States should, at their own expense, extinguish, for the use of Georgia, the Indian title to her lands, within the remaining limits, "as soon as it could be done peaceably and on reasonable terms." The other condition was, that the states to be formed out of the ceded territory should conform to all the articles of the ordinance of 1787, excepting that one relating to slavery. The third article of this ordinance enacts, "that the utmost good faith shall always be observed towards the Indians; their lands and property shall never be taken from them without their consent; and, in their property, rights and liberty, they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress: but laws, founded in justice, shall, from time to time, be made for preventing wrongs done to them, and for preserving peace and friendship with them."

We may pause in this narrative to remark that, up to this stage the case discloses the following points as settled between the parties to these transactions:

1st. That Georgia, in 1777, regarded the Cherokees so far an independent tribe, as to open treaty negotiations with them for the cession of territory which the State then occupied by military force and claimed by right of conquest.

2d. That, in 1785, the State objected to the right of the old Confederation to treat with Indians within her chartered limits, claiming that to be her own exclusive prerogative;—which objection was overruled by Congress, and the decision acquiesced in by Georgia.

3d. That from this date, and after the Constitution was adopted, treaties manifold were made with this tribe of Indians by the General Government, without dissent or protest from Georgia. Which treaties mainly enured to the benefit of Georgia; guaranteed full protection to the Indians, in the enjoyment of their lands; were made, in part, with the agency of Georgia in the national Senate; and were, by the Constitution, the supreme law of the land.

4th. That Georgia, in 1802, surrendered to the United States a large tract of country on which these Indians resided, with an express and careful provision, in their behalf, that the utmost good faith should be observed towards them, and that neither their lands nor property should be taken from them without their own consent, nor their rights be ever invaded or disturbed.

5th. That the United States and Georgia agreed by formal compact, at this date, that the former should extinguish the Indian title in the lands of the latter, as soon as it could peaceably be done on reasonable terms,—thus pointedly stipulating for the exercise of the treaty power of the Union with the tribe.

These proceedings would seem to establish conclusively the two great principles which were to control the decision of the controversy. The one, that the right of occupancy belonged to the Indians, and never could be terminated without their consent. The other, that the Federal Government alone had control over the subject.

So far, the case may be said to present no difficulty. Its embarrassments arose in the subsequent stages of its history.

The Government had undertaken, by the compact of 1802, to extinguish the Indian title for the benefit of Georgia. To the performance of this stipulation there was no limit of time, but there was a clear obligation to use all proper and reasonable exer-

tions to that end, and, particularly to abstain from doing anything that might impede or frustrate it.

From an early period after this compact, the scheme of providing a new territory beyond the limits of the states, for the final settlement of the Indian tribes, was more or less distinctly announced. In 1808–'9 Mr. Jefferson had this subject before him, in a proposition to establish a portion of this Cherokee tribe west of the Mississippi. This suggestion gradually expanded and it finally assumed the shape of an organized and broad scheme of policy under the administration of Mr. Monroe. Large tracts were purchased, beyond the frontier of the states towards the borders of Mexico, and suitable provision was made for the transfer of the tribes to this region. In 1817, one-half of this tribe of Cherokees, induced by the persuasions and influence of the Government, emigrated beyond the Arkansas, and there established themselves upon a favorable location under circumstances altogether auspicious to their comfort and welfare.

This removal and settlement of the Indians, upon a territory adapted to their wants and free from the possibility of future annoyance from the claims of jurisdiction by the states, will always be regarded as a measure which reflects the highest honor upon the wisdom and humanity of the nation.

In the case of the Cherokee tribe residing within the limits of Georgia, we have to notice a very remarkable fact, to which we may trace all the difficulties which have beset that subject. Whilst the Government liberally and carefully pursued its policy of removal with nearly every other tribe of Indians in other states, it seemed to have almost entirely lost sight of its engagement with Georgia, and to have devoted itself with a somewhat conspicuous assiduity, to the labor of rendering the removal of those people from that state, almost an impossible achievement. A steady, and, in any other circumstances, it would be entitled to be called, a most laudable effort, was made to promote the civilization, and, with it, the permanent establishment of these Indians upon the soil which they now inhabited. They were encouraged to abandon their hunter state and to devote themselves to tillage and husbandry. Mr. Jefferson, Mr. Madison, Mr. Monroe and Mr. Adams, have all left memorials of the solicitude they felt in this endeavor, and the favor with which they promoted it. Under

this powerful patronage, the tribe rapidly advanced in acquiring the arts of agriculture. They established schools; adopted the social organization of the whites; assumed their costume, learnt their mechanical crafts; built villages, churches, court houses;—in short, adopted the polity of civilization as far as their rude condition would allow. The Government licensed and encouraged the settlement amongst them of the Missionary clergy, who became honored residents in the country, and who pursued their benign labors of moral and religious instruction with an industry and success which gave them almost unbounded control over the tribe. There is scarcely on record a more agreeable picture than that presented by the Cherokees, of savage life reformed and advanced within the confines of civilized man. We have an account of the condition of these people from the pen of one of their own children, an educated Indian, written in 1825; one who, seven years before, was a savage, and who, at the date of his letter, was engaged in translating the New Testament into the Cherokee language. "Apple and peach orchards are quite common," he writes, "and gardens are cultivated. Butter and cheese are seen on the Cherokee tables. There are many public roads in the nation, and houses of entertainment kept by natives. Numerous and flourishing villages are seen in every section of the country. Cotton and woollen cloths are manufactured here. Almost every family in the nation grows cotton for its own consumption. Industry and commercial enterprise are extending themselves in every part. Nearly all the merchants are native Cherokees. The Christian religion is the religion of the nation. Presbyterians, Methodists, Baptists and Moravians are the most numerous sects. Some of the most influential characters are members of the church, and live consistently with their professions. The whole nation is penetrated with gratitude for the aid it has received from the United States Government, and from different religious societies. Schools are increasing every year: learning is encouraged and rewarded. The female character is elevated and duly respected. Our system of government, founded on republican principles, secures the respect of the people. New Town, pleasantly situated in the centre of the nation, is the seat of government. A printing press is soon to be established; also a national library and a museum."

These are some lineaments taken from this picture. We cannot contemplate such a portraiture of an aboriginal tribe, thus breaking through the crust of savage life, without many pleasant speculations upon its future destiny. But in this instance of the Cherokees, a shadow is thrown across the cheerful face of the picture by the more prominent figure which stands beside it,—the figure of that jealous state sovereignty which holds the bond of the poor Indian's fate, and whose features are darkened with an ominous frown engendered by the very prosperity which attracts us. It is hard to say of the generous impulse which prompted this benevolent care of the Cherokees by the Federal Government, that it was a mistaken kindness, which, more wisely, should have taken another direction. But, still, it must be said. It may even be added that it was a fatal error, on the part of the Government, to allow a race of people with such capabilities, to plant themselves so firmly upon a base so unstable. Georgia could not but regard with disfavor and jealousy the increasing permanency of a tribe within her borders, who claimed and exercised a totally independent government—exempt, in every respect, from her jurisdiction. It was a mischievous political anomaly, and precisely in that unhappy category, in which the mischief became the greater in proportion as the tribe advanced in cultivation and knowledge. Every new acquisition in moral or political virtue became a new motive for distrust, and even hostility. A tribe of Gypsies settled under such circumstances, within the confines of a European government, would give but an inadequate idea of the embarrassments which Georgia suffered in this relation. The Indian is shut out from assimilation with his white neighbor, by prejudices which are altogether insurmountable. A thousand bloody feuds have separated them. The hate of more than a century is incorporated in the hearts of both, along the whole frontier which divides them. If we add to these provocatives, the ill-will which was certain to be engendered by the conflict of jurisdiction of two communities, each claiming exclusive control over the same soil, it will be readily understood how much it was to the advantage of the weaker, to be transplanted to a region remote from all the accidents of such a condition.

Whilst a certain transitory right of occupation—we may call it—has been admitted to exist in the Indian tribes inhabiting

within the boundaries of a state; and whilst they have been allowed to maintain an independent political organization, with the function of legislating for themselves,—this has been endured only because it has been regarded as, necessarily from the habits and nature of the aboriginal population, *merely* transitory or temporary in its duration. Whatever the abstract or intrinsic merit of the Indian title may be, no state in this Union patiently contemplates the possibility of a perpetuation of such a condition. The history of the tribes presents a panorama of fleeting images;—nations slowly but surely moving onward from right to left, in shadowy procession, and fading away from the circle of human vision. One by one, these communities have migrated to distant regions, or, choosing the more sad alternative to remain upon the land of their ancient homes, have dwindled into the stage of second childhood,—finally to melt away before a civilization, which infallibly extinguishes whatever it cannot absorb.

The Government, from an early period, devoted its means, with a liberal energy, to the extinguishment of the Indian title. From 1805 to 1819, more than thirty millions of acres were purchased from the tribes resident within the States. The whole territory occupied by the Cherokees in Georgia, it is computed, did not exceed five millions of acres. This tribe possessed much larger domains in Alabama and Mississippi. The purchases made from the tribe, within these two States, exceeded eight millions of acres. In regard to these, the Government were bound by no compact. By a singular indifference to the discontents which were likely to grow up in Georgia, and still more singular neglect of the obligations especially due to that State, the Government had not extinguished, in the eighteen years which elapsed after the date of the compact, the title to much more than one million of acres of Cherokee lands within the borders of Georgia.

This neglect brought many complaints, which were still more embittered by the visible growth of the tribe under the care and encouragement of the Government. Georgia, more than once, expostulated against this neglect. It was said, on the part of the State, and, we have reason to believe, truly said, that in 1817, when the Government procured the removal of one-half the tribe, they might very readily have procured the removal of the whole. That on that occasion the President gave them a specific assurance

that this would soon be done. "In 1817"—say the Georgia delegation, in a remonstrance to the President,—"the public declaration of the President to Congress, that an arrangement had been made, by which, in exchange for lands beyond the Mississippi, a great part, if not the whole of the lands possessed by the Cherokee tribe in North Carolina, Tennessee, Georgia, and the Territory of Alabama, would be soon acquired, gave a just expectation that the pledge given to Georgia would be redeemed. In the eight years which have succeeded, these anticipations of the President have been realized everywhere but in Georgia." They add that the purchases made since 1817, have, in fact, driven the Cherokees out of Tennessee, Alabama and North Carolina, and crowded them into Georgia, and thus have contributed to create and augment the difficulties in the way of a peaceful acquisition of the lands within that State.—"What"—they ask—"has created the strong desire of the Cherokees to remain where they are? The policy of the General Government; the pretended guarantees of their possessions; the attempted changes in the nature of their titles to them; the lessons they have received in the arts of civilized life—a policy just and generous to the Indians, but solely at the expense of a member of the Union."

We cannot deny the justice of this remonstrance. It was made in 1824. Four years afterwards, when the tribe had increased in population, when their farms were more numerous, when education was still more widely diffused, an event occurred which greatly added to the discontent of Georgia. The Cherokees held an assemblage of their chiefs and head men, and, aided by the resident missionaries, they formed and adopted a constitution for a permanent government. Up to this period, Georgia had done nothing inconsistent with the relations which she had heretofore admitted to exist between this tribe and the Government. She had practised a forbearance honorable to her moderation and her respect for the national authorities. A crisis had now arrived, and she determined to take care of herself. The Government had not given to her remonstrance the attention which it deserved. It had even, on one occasion, announced its purpose to maintain its guarantee of protection to the Indians by military force. We cannot question the duty of the Government to maintain that guarantee, in every case in which it might be threatened;—to

maintain it by martial power if necessary; but, at the same time, we think the Government in some degree responsible for the emergency which now produced so much excitement in Georgia.

Whatever blame may be attached to the Federal Government, or to the State, for the measures which were adopted by each in reference to this subject, the Cherokees themselves were certainly an innocent and even meritorious party in the controversy. There was no obligation upon them but to take the best care of themselves, to preserve peace and order, and to advance their own improvement by all the means at their command. They had treaties with the Government of the Union, which assured them, on the faith of the nation, that they should occupy the soil which they had derived from their fathers, as long as they chose to do so; and that, whilst they chose to occupy it, they should be protected. They had never made any stipulation, with either the federal or state authorities, that they would remove at all. If the National Government had entered into a compact with one member of the Union, which was incompatible with its elder guarantee to them, they were no parties to it and were not bound by it. The Government, however, could have complied with its engagement to Georgia. It had the means to purchase the consent of the Indians and to establish them in another region, under circumstances which would evidently have promoted their comfort and security. To accomplish this no proper expense and no labor should have been spared.

When we say that the power of the Government, in the removal of the Indians, could only be exercised over them with their own consent, it is scarcely proper to interpret this authority by the rule which would apply to an independent and civilized nation. The Indian title within a State is admitted to be but a right of occupancy, with the reversion of the jurisdiction finally existing in the State. The tribes are said to be in a state of pupilage to the Government; entitled to be treated with humane and considerate regard for their feeble condition, to be taught, to be defended,—and subject, in equal degree, to be controlled for their own benefit. In the equitable and beneficent employment of this guardianship over them, when it becomes obviously necessary to their security and comfort,—much more when it becomes essential to their existence,—the Government may rightfully exercise, and it becomes

even its duty to do so, a measure of constraint, of moral force upon their will to induce them to do that which their own untutored understandings might oppose. But it is clear that a duty so delicate as this, so full of peril of abuse, is only to be performed in accordance with the suggestions of enlightened humanity and with a scrupulous abstinence from all prejudice and passion.

The authority over the tribes has been confided, by the Constitution, to the General Government, to whom it has been exclusively given. The complaint of Georgia was, that this authority had not been duly exercised in conformity with the compact of 1802. She had waited now nearly thirty years upon the convenience of the Government, and, apparently, was as far off the accomplishment of her hopes as at first. The recent measure of adopting a constitution by the tribe seemed indeed to place her farther from this accomplishment than ever.

She determined now to dispose of this subject in her own way. For the first time, she asserted the doctrine that the question of jurisdiction was one which rested solely upon her own pleasure whether she should exercise it or not: that the tribe, being on her soil, was subject to her laws, whenever she might think proper to extend these laws over it: that the treaties of the Federal Government did not bind her; and that if that Government did not choose to extinguish the Indian title, she was at full liberty to extinguish it for herself.

The popular excitement in the State gradually rose to fever heat. The most astute and able men in the community took the lead in the movement. The Cherokees were arraigned before the public, as seditious enemies to the State; they were charged with resisting the emigration of the tribe, in terms which imputed that act to them as a criminal offence. Many pretexts, some true, others untrue, and all such as a cooler judgment would condemn as insignificant, were found to inflame the exasperation against the unfortunate tribe. "The omnipotent sophistry of interest and passion"—to use the phrase of an eloquent historian, supplied abundant argument to justify the proceedings of the emergency: "Qui vult cædere canem facilè invenit fustem." The legislature went to work in a manner which showed that they did not mean to leave the task unfinished. They passed a series of laws, which an impartial judgment will ever regard as singularly proscriptive

and cruel. The Indian territory was parceled into convenient divisions, annexed to the bordering counties, and subjected to the municipal authority. All laws, ordinances and usages heretofore adopted by the Cherokees, were declared to be null and void. Every Indian was disqualified as a witness, and prohibited from giving testimony in the courts of justice in any case, in which a white man, not a resident with the tribe, was a party. It was made a high penal offence to execute the Cherokee law which forbade emigration. No white man was allowed to reside amongst the Indians, without a special license from the governor, and without having taken an oath to obey the constitution and laws of the State. The penalty attached to the violation of this clause, as of several others, was a sentence to hard labor in the penitentiary for four years. A military guard was established, and every member of it was invested with power to arrest any person upon a charge of violating any portion of these laws. Provision was made for a lottery by which the Indian lands were to be divided amongst the people of the State.

We must believe that a community so humane and so intelligent as we know that of Georgia to be, must have reckoned, with great certainty, that a course of legislation so stringent as this, would have left no case for the law to act upon. That the Indians, taking the whole proceeding as an admonition to depart, would have instantly chosen the alternative of removal on the terms offered by the Government, and disembarrassed themselves and their unfriendly neighbors of the odium of carrying into effect a system of laws so repugnant to the genius of the age, and, as we cannot doubt, of the character of the people who enacted them.

The proceeding has been justified as a *coup d'etat*. As a stroke of policy, it has met the favor of politicians. If, measures, which are not founded upon justice and an absolute respect for human rights, can ever be vindicated, we may even admit that in this case the policy of Georgia was calculated to lead to a good result, both to the Indians and to the State. It is not the first time that men have been worried into compliances which were essential to their welfare. The tendency of this legislation was to break up at once—violently enough, we must say—a pernicious relation, which could not but have terminated, after a

series of years, and through many sad experiences of feud and broil, in the utter destruction of the tribe. Its motive, also, was to force the tribe to a more secure asylum, where it might find space and inducement for the fullest development of whatever capacity for happiness it had derived from the Creator.

In the end Georgia triumphed; as strength ever triumphs over feebleness, when the strong assumes to be the sole interpreter of the question of right and the arbiter of the fate of his opponent. The final submission of the Cherokees to their doom, presents to their chronicler a theme, which, faithfully written, will be but the repetition of many a pathetic chapter in human history describing the exodus of a nation driven forth from the monuments dearest to its affections to find shelter in ruder shades and more hospitable wilds. Let us hope that these children of the forest are reserved for a better destiny in their new home, and that, in their advancing perception of the blessings of Christian civilization, of peace and security, they may attain a full indemnity for all the sorrows of the past.

In the first stages of this assault, the Cherokees took counsel upon their rights. They demanded of the Government the fulfilment of the stipulations of the treaties. They were dismayed and overwhelmed at the discovery that the new administration of General Jackson was thoroughly opposed to them: that there was no help from that quarter. The answer they received was, that Georgia had full jurisdiction over them: that the Government would not interfere. Their next resort was to the Supreme Court. Eminent counsel were consulted, and Mr. Wirt and Mr. Sergeant were retained to conduct their cause. The advice they received was, to apply to the Court for an injunction to restrain the State of Georgia from the execution of her recent laws.

The sympathies of the people of the United States, except those who were immediately concerned in opposing the injunction, were largely with the Indians. The case was brought before the public under every point of view suggested by favor or dislike. It was discussed in the newspapers. It was debated, with singular ability, in Congress. It finally became, to a certain extent, a party question. It was also a sectional question. Those who were resolved to give an indiscriminate support to the

administration, and those who thought that the President could do no wrong, uniting with the sectional interest, brought a very strong reinforcement to the claims of Georgia. The heat on one side, gave occasion for greater heat on the other. The "percussion and repercussion" of debate produced much the same effect as that which we have seen, since that period, on another question of division between the North and South.

This is an outline of the Cherokee case, as it was disclosed to the nation in 1830–31.

I have endeavored to give an impartial view of it, in the light which time has shed upon it, making all proper allowance for the aberrations of opinion and judgment which are inseparable from the conclusions of the best minds, when disturbed by the impetus of private or public interests. The excitements have now passed away, and the result has been fortunate.

A great responsibility was incurred by the counsel who advised and prepared the proceedings in the Supreme Court. Mr. Wirt was exceedingly solicitous to place himself upon sure grounds in the steps he was about to take; and, with that view, had recourse to the advice of his friends. The following letter from him furnishes an interesting history of his connection with this controversy:

TO JUDGE CARR.

BALTIMORE, June 21, 1830.

MY DEAR FRIEND:

* * I wish to consult you on a matter of business so deeply interesting to my character both as a man and a lawyer, that I must claim from you the rights of friendship.

You are apprised of the proceedings of Georgia in reference to the Cherokee lands within her chartered limits, and her desire to expel the Cherokees from the State *per fas aut nefas*. She passed a law last winter to take effect at the beginning of this month, abolishing the Cherokee laws and usages within their own territory,—extending the whole of the Georgia laws over these people, and disqualifying them from giving evidence against a white man in a court of justice. The present administration, playing

into her hand, caused a bill to be passed through Congress, authorizing the President to exchange with them for their present lands, other lands of equal value beyond the Arkansas Territory. This bill leaves it to the option of the Indians to accept the exchange or not: but the President has told them that although they are placed, by their treaties, expressly under the protection of the United States and of no other sovereign, yet he cannot protect them against the laws of Georgia, that State having a right to legislate over all persons within the limits of her territory. Thus they are oppressed by these obnoxious laws of Georgia, on the one hand, and allured by the exchange proposition on the other. But they have visited the lands offered to them, and find them unfit for agriculture, to which, under the influence of Mr. Jefferson and his advice given to them when he was President, they have devoted themselves for several years past.

* * I do not know whether you attended to the debate in Congress, last winter, on the Indian bill. If you did, you must have seen that the pretension of right in Georgia to legislate over the Cherokees was demonstrated to be utterly fallacious. These people, although partly within the chartered limits of the State, not being within her *territorial jurisdiction*, have been uniformly treated, both by the British Government and our own, as a sovereign people, with an acknowledged right to be governed only by their own laws and usages, within their territory, the exclusive possession of which has been so solemnly guaranteed to them by their treaties with the United States. In the estimation of many of the most enlightened men in Congress, the injury about to be inflicted on these people is shocking to justice and humanity. The Indian bill nevertheless, passed by a slight majority.

* * * * * * *

Some of the most distinguished men in Congress who had opposed its passage, Webster, Judge Spencer, Frelinghuysen and others, advised the Cherokee delegates, then in Washington, to employ counsel to bring the various questions of their rights, under their treaties, before the Supreme Court of the United States: and for this purpose they were introduced to me, when in Washington on Judge Peck's case, some two or three weeks ago. I was aware of the delicacy of the situation in which this

application placed me. I saw that I was about to be made instrumental in thwarting or impeding (or trying to do it, perhaps in vain,) a project on which the President and State of Georgia were bent, and which, but for my interference, might take immediate effect by the removal of the Indians—for they would sooner remove and die in the wilderness, than remain in subjection to the laws of Georgia. But, on the other hand, having been assured by so many distinguished men that the Supreme Court would protect them, and that they had only to secure eminent counsel to effect their object, they have resolved to bear the present oppression of Georgia until the questions can be decided by the Supreme Court. Although the delicacy of the situation in which such an engagement would place me, glanced through my mind at the time of the application, yet, as I was strongly impressed with the injustice about to be done to these people, I did not think it right to flinch from any considerations of personal ease and safety; and I promised to examine their case and give them my opinion, and, if necessary, my professional services in the Supreme Court. On my return to Baltimore, I took up the question of the right of Georgia to extend her laws over these people, read all the speeches in Congress *pro* and *con*, on the subject, the opinion of the President communicated to the Cherokees through the Secretary of War, in favor of the right of the State, and gave the whole case a thorough examination. My conclusion was against the right of the State. But in making this examination, I was struck with the manifest determination, both of the President and the State, that the State laws should be extended over them, *at every hazard*. This led me to reflect more seriously on the predicament in which I was about to place myself, and perhaps involve the Supreme Court of the United States.

* * * * * *

There are many well meaning men who think it the interest of the Cherokees to remove to a country where the whites will no longer annoy them, and where they may pass their lives in peace and quiet. The country offered to them in exchange has also been represented as a paradise in itself and a haven of perpetual repose to them. The country offered, I have already described. There are wild Indians in the neighborhood who will probably contest the right of possession with them, and make that paradise

a slaughter house and a scene of mutual extermination. These people are now civilized in a very great degree, and do not wish to relapse into barbarism, nor to reside again near savage neighbors. It is, therefore, their most anxious desire to remain where they are, as they have a right to do. Yet if they had no hope from the Supreme Court, they would, I have no doubt, go—thinking it the least of evils. With regard to the Supreme Court, the Attorney General is reported to have said, that the State of Georgia would not respect their decision, if against them, but would go on to enforce their rights according to their own opinion of them; and after what has already passed, I should not be surprised if the President should co-operate with them and render the decision abortive, by forbidding the Marshal and people of the country from obeying it. On the other hand it is *possible*, (though not very probable,) that the President may bow to the decision of the Supreme Court and cause it to be enforced; and that Georgia may sullenly acquiesce. If the President saw the subject with the eyes of his predecessors, he could easily quiet the State of Georgia; but, unfortunately, he stands committed by the public expression of his opinion. And Georgia is determined to make hay while the sun shines, and enforce her great object of expulsion during the present administration. I have already addressed a letter to the Governor of Georgia, of which I send you a copy, and have also placed copies of it in the hands of the President, and of the Cherokees. I have given an opinion to the Cherokees on their rights, (or rather several opinions on several different questions) and have advised the measures by which I think these questions may be carried to the Supreme Court. Now, I wish to ask you whether there is any thing exceptionable against me either as a lawyer or a citizen of the United States, in the part I am taking in this case. I am, indeed, aiding these oppressed people against the President of the United States and the State of Georgia—but in conformity, as I think, with the constitutional laws and treaties of the United States. I need not tell you that I have no fear of personal consequences, but I have a great fear of doing what any honorable man can think wrong.

* * * * * * *

The opinion which I have given is this—that if these people shall be sued civilly, or criminally prosecuted before a State court of

Georgia, under the Georgia law, they may defend themselves on the ground of their treaties, which regard them as a sovereign nation within their own territory, under the *exclusive government* of their own laws, usages and customs; that the law of Georgia is void, as being repugnant to these treaties; and that if the present court of Georgia shall decide in favor of the law against the right claimed under the treaty, the case may be carried for revision to the Supreme Court of the United States, under the 25th section of the Judiciary act: see the case of Cohens *v.* the State of Virginia, 6 Wheaton, 375—Chief Justice Marshall's opinion.

I think it clear that the jurisdiction must be founded upon that section, as it has been construed by the Supreme Court, whatever may be the ultimate decision on the right. This, however, is appellate jurisdiction and requires that the case should first have passed through the State courts, which will delay the decision and throw every impediment in our way. The Attorney General says the State of Georgia will take care that no case shall ever come to the Supreme Court. They will probably refuse to receive and put upon their records any plea which will show that the construction of treaties was involved, so that the record will contain nothing to found the jurisdiction of the Supreme Court, under the 25th section. Hence, it became important for me to enquire whether these people had any right to apply at once to the original jurisdiction of the federal courts; and this I cannot perceive that they can do, unless the Cherokee Nation be *a foreign state* in the sense of the Constitution, in which case they would have a right under the Constitution to file an original bill against the State of Georgia, in the Supreme Court, and ask an injunction against the execution of her law within their territory; or, unless the individuals of the Cherokee Nation be *aliens* and consequently have a right to sue a citizen of Georgia in the federal courts. The High Court of Errors and Impeachments of New York, have held unanimously that these tribes are *alien and sovereign nations*, and their citizens *aliens:* Godall *vs.* Jackson, 20 Johnson, 693. Webster advises that every suit shall be brought in the name of the Cherokee Nation: he must therefore regard them as a foreign state. Will you read the case in 20th Johnson? and tell me, since I have shown you how deeply the Supreme Court may be interested in this subject, whether there would be any impropriety

in your conversing with the Chief Justice on this subject, as a brother judge, and giving me his impressions of the political character of this people, in the respect I have mentioned. I would not have you to conceal from him that the question may probably come before the Supreme Court. The subject will not be new to him. He has had occasion to consider several times the character and rights of these people. His opinion in the case of Johnson and McIntosh, (3 Wheaton pages 571, 593,) seems to me to maintain the right of the Indians to govern themselves exclusively by their own laws, within their own territory, although their right to that territory be a mere right of possession. If the individuals of the Cherokee Nation be *aliens*, so as to found the original jurisdiction of the Supreme Court, the principal Chief of that Nation might file a bill against those officers of the State of Georgia, who will probably be engaged in executing her law, and ask an injunction against them, although he could not sue the State herself. See the cases of Osborn *vs.* the Bank of the United States, (9 Wheaton, 733,) and Bank of the United States *vs.* Planters Bank of Georgia, ib. 904. Have you time to read these cases and inform yourself on this subject? There is another point on which I wish it was possible to come at the opinion of the Chief Justice, with propriety. It is this;—treaties compose a part of the supreme law of the land by the sixth article of the Constitution,—and it is added that "the judges in any State shall be bound thereby, any thing in the constitution or laws of any State or territory, to the contrary notwithstanding." Now, by these treaties I hold the Cherokees to be "a sovereign nation." See the speeches of Frelinghuysen and Sprague in the Senate. But the President said they are not a sovereign state, but subject to the laws of the State of Georgia. The Supreme Court has decided with regard to the new South American Republics while in a state of revolt, that the courts of the nation could not recognize them as States, until they had been recognized as such by the Executive of the United States. But I understand this to be limited to new States in that condition, and not to apply to old States whom the United States have continually acknowledged as such by treating with them as sovereign States. I wish to know whether the Chief Justice considers, according to the opinion already pronounced by him, the courts of the nation constitutionally bound by the declara-

tion of the Executive branch of the government, (that is to say, the President of the United States,) that any people are or are not a sovereign state, so that the prior implications, by treaty, of their sovereignty, will be judicially considered as superseded by such presidential declarations. I can scarcely suppose that such is his notion: since otherwise the President might, by his declaration, put Great Britain or any ancient sovereign, out of the family of nations. * * If I were near the Chief Justice I would ask him at once, these questions myself,—and tell him as I wish you to do, that there is no case yet depending, which involves a decision on them; but that, unless the opinions of the Supreme Court, as already pronounced, prevent it, there may be questions of a delicate and embarrassing nature to the Supreme Court, which may be prevented by a correct understanding of the full scope of the decisions heretofore pronounced. I would speak to him with the confidence of a friend, * * and leave it to him to say, whether he would or would not be willing to come out with the expression of his opinion, so as to prevent embarrassment and mischief. I cannot discover that there would be any impropriety either in his saying whether the principles I have mentioned are involved in the former decisions; or, what he may at present, think of these questions. * * Unless I am restrained by your advice, I shall go on with this case in behalf of these people. But if you think it wrong, tell me so, and I shall as frankly draw off from these people and tell them why. I do not ask whether it be politic, but inherently right or wrong; for if right, I shall go on at any hazard. Pray give me your views fully of this matter; and if Cabell has not left Richmond for this place, (where I am expecting him by every boat) take him into the council,—and our trusty and well beloved friend Coalter too. I shall be longing to hear from you on this subject.

Your friend,

Wm. Wirt.

This letter was submitted by Judge Carr to the Chief Justice, who, upon consideration of the subject, thought it his duty to refrain from indicating any opinion on the delicate and interesting questions suggested by Mr. Wirt. "I have followed"—he adds, in a letter to Judge Carr expressing this determination—"the debate

in both houses of Congress, with profound attention and with deep interest, and have wished, most sincerely, that both the executive and legislative departments had thought differently on the subject. Humanity must bewail the course which is pursued, whatever may be the decision of policy."

As might have been expected, in a case which had enlisted so much feeling, the motives of the counsel for engaging in it were questioned with no little asperity by many who stood in the relation of partisans on the side of Georgia. The publication of Mr. Wirt's opinion in favor of the Cherokees furnished occasion for much censure and detraction. He was accused of taking part against his own country. He was charged also with acting from considerations of personal pique, against an administration which had supplanted him and his friends. Those who assailed him through the public press seemed to find it a difficult problem to solve—how any upright citizen could question an executive proceeding which was intended to enlarge the national domain: how any such citizen could be so bold as to assert the rights of the weak and defenceless, or plead the sanctity of the national faith embodied in treaties, against the usurpations either of national or state authorities.

Such attacks upon his motives Mr. Wirt did not think it becoming his own self-respect to repel by any public notice. In a letter to a friend, he writes:

"I am insisting only on what General Washington and all his successors have held to be right—namely, that the Indians are entitled to the protection guaranteed to them by the treaties. If this administration, for the first time, has taken different ground and shall deny that protection to them, I can perceive no principle of morality or patriotism that requires me to adopt this new-fangled notion in opposition to those of Washington, Jefferson, Madison, Monroe and John Quincy Adams. With all these great men, I think the Indians entitled to this protection; and I think, too, that the Supreme Court can give it. In this last position I may be wrong. But thinking as I do, and holding the proceedings of Georgia towards these poor creatures to be most tyrannical, as well as unconstitutional, and, if suffered, that it would be a foul breach of faith on the part of the United States, the disgrace of which the waters of the ocean of Time can never wash out,

what sort of *patriotism* is that which could require me to refuse my professional services, when properly asked, to uphold the honor of my own country, and the rights of these oppressed people? The *prudence* of the engagement is another thing. It will be pronounced prudent or imprudent, as any man shall apply *long* or *short* measure to the subject. Those who consult only the personal convenience of the moment, will pronounce it imprudent. This I call the *short* measure. But I hold it most prudent always to do our duty, whether convenient or inconvenient. This I call *long* measure. If I had declined this engagement from a cowardly fear of the consequences, I should never have been able to hold up my head again. The curse of Kehama would have been a benediction, compared with the conscious self-abasement that would have preyed upon me."

A correspondence between Mr. Wirt and Mr. Madison, at this period, will shew that whilst the former had no doubt upon the question of the right of the Indians in the controversy, yet that he was himself a decided advocate for their removal, if that could be accomplished with their own consent.

A copy of the opinion upon the case had been sent by its author to his friend, the ex-president. It produced the following letter:

MR. MADISON TO MR. WIRT.

MONTPELIER, October 1, 1830.

DEAR SIR:

I have received your "opinion" in the case of the Cherokees.

* * * * * * *

The views you have presented of the question between Georgia and the Cherokees are a sufficient pledge, if there were no others, to those sons of the forest, now the pupils of civilization, that justice will be done to their cause, whether the forum for its final hearing be a Federal Court, the American public, or the civilized world.

I cannot but regret some of the argumentative appeals which have been made to the minds of the Indians. "What,"—they may say—"have we to do with the Federal Constitution, or

the relations formed by it between the Union and its members? We were no parties to the compact and cannot be affected by it." And as to a charter of the King of England,—is it not as much a mockery to them, as the bull of a Pope dividing a world of discovery between the Spaniards and Portuguese, was held to be by the nations who disowned and disdained his authority?

The plea with the best aspect, for dispossessing Indians of the lands on which they have lived, is that, by not incorporating their labor and associating fixed improvements with the soil, they have not appropriated it to themselves, nor made the destined use of its capacity for increasing the number and the enjoyments of the human race. But this plea, whatever original force be allowed it, is here repelled by the fact that the Indians are making the very use of that capacity which the plea requires, enforced by the other fact that the claimants themselves, by their counsels, their exhortations, and their effective aids, have promoted that happy change in the condition of the Indians which is now turned against them.

The most difficult problem is that of reconciling their interest with their rights. It is so evident that they can never be tranquil or happy within the bounds of a State, either in a separate or subject character, that a removal to another home, if a good one can be found, may well be the wish of their best friends. But the removal ought to be made voluntarily, by adequate inducements, present and prospective, and no means ought to be grudged which such a measure may require.

I take this occasion, sir, to assure you of my high esteem and my cordial regards.

JAMES MADISON.

TO JAMES MADISON.

BALTIMORE, October 5, 1830.

DEAR SIR:

I thank you for your letter of the 1st instant, and concur with you entirely, as to the best mode of solving the political problem with regard to the Indians within the bounds of the States. And as I am unwilling that you should think me either quixotic or

wicked—as I have been accused in some of the newspapers—in taking part in this exciting contest, I wish to inform you that I have impressed the very opinion you utter, upon the Indians. While the delegation was yet with me in consultation, on this subject and others which had grown out of their treaties, I addressed a letter to John Ross, the principal chief of the Cherokee Nation, in which, adverting to a florid description of the lands offered to them in the West, in exchange for their lands in the States, which had been given by Col. McKenny, the superintendent of Indian affairs at Washington, to the Indian Board at New York, I say—"Admitting Mr. McKenny's statement to be true, there are many in the United States who will think it your wisest course to remove, *and I am among them.* My opinion is in favor of your right to remain, and of your exemption from the laws of the neighboring States. I think the right is yours also on the other questions I have stated. But, still, if I could be assured that you would gain, in exchange for your present lands others of equal value, where you would never again be disturbed by the approach of the whites, and where you and your descendants would be masters forever, and be permitted to grow in peace, I, for one, would most strenuously advise you to go, and give up this heart-breaking contest."

* * * * * * *

My situation in the contest is one entirely unsought by me and, in truth, is a very painful one. The President, having declared in favor of the right of Georgia to extend her laws over the Cherokees, will place the Supreme Court in a delicate and fearful predicament, if they should differ from that opinion; and the consequences, whatever they may be, will be charged to this controversy, which I shall be accused of having maliciously fermented. Yet, from the beginning, I have not been able to perceive how I could have shrunk from the part thus cast upon me, without admitting myself to have been unworthy of my profession. There may be those who will think it was my duty as a citizen, to have yielded to the President's construction of the treaty leaving these people exposed to the legislation of Georgia. But you will observe that the act which he considers as having exposed them to this consequence, is their having made a constitution and laws within the limits of Georgia. To have admitted this consequence would

have been a tacit admission of the criminality of all the preceding administrations and all the preceding Congresses who encouraged them to do this very thing. Mr. Jefferson directly encouraged it by the answer which he gave to the two deputations from the Cherokees in 1808. That the treaty rights of other nations may be invaded by laws of the States, was contemplated by the Constitution. The Supreme Court, in view of this, was invested with jurisdiction in controversies between a State and a foreign nation. By the sixth article of the Constitution, treaties are declared to compose a part of the supreme law, and the judges in the several States are required to respect them, the Constitution or laws of any State to the contrary notwithstanding. I cannot perceive, therefore, what political or moral impropriety there can be in a professional man expressing and defending judicially an honest opinion with regard to these treaty rights, thus clearly made a judicial question, although he may have the misfortune to differ from the opinion of the Executive upon them. Had this affair been a private one and personal to myself, I should not have troubled you with it. But it involves a question of political morality, in which the whole American community is concerned; and I set too much store by your good opinion to leave the motives of my conduct in doubt.

The argument against the title of the Indians to their lands, compared with the argument in favor of our title to them, presents the strangest absurdity. It is said they have no other title than that of having chased their game over them, or seen them from the tops of distant mountains. And yet, we contend that an English, Spanish or French ship, having sailed along the coast, or entered the mouth of a river, gains a complete title by discovery to the sovereign of the navigator—not only to the coast seen, but to the unseen interior even to the unknown sources of rivers, and across to the Pacific. We say again, that they can have no title but to so much land as they can now cultivate, without any regard to their increasing posterity; whilst we hold that we have a perfect title to millions upon millions of acres confessedly beyond our present capacity for cultivation. In their improved condition as civilized agriculturists, you will perceive that the argument drawn from writers on natural law, applied to them in their savage state,

is unanswerable, unless we admit the new and strange ground, now taken, that they had no right to alter their condition and to become husbandmen.

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Yours most faithfully,

WM. WIRT.

In answer to this, Mr. Madison wrote, October 12.

DEAR SIR:

I have received yours of the 5th instant. The explanation of your motives in not declining the cause of the Cherokees, was not needed. Of their purity it was impossible for me to entertain a doubt. From the aspect of the public proceedings towards the Indians within the bounds of the States, there is much danger that the character of our country will suffer. And I do not know that any formal discussion of the case can make it worse; whilst, by bringing into full view the difficulties which beset it, those proceedings may possibly be mitigated in the eyes of the world.

The circumstance that seems most to impair the national character of the Indians, is the admitted restriction on the sale of their lands. May not the restriction be regarded as taking effect against and through the purchasers? It is plainly rightful against such as are subject to the government imposing the restriction, and made so against all the subjects of the powers connected with this continent, by the common understanding among them, that the subjects of each, in that respect, should be under the control of the other. With respect to individuals, if such there be, who belong to powers not parties to that sanction, or who are in a state of expatriation, the restriction must be resolved into an interposition, *benevolent* as well as *provident*, against frauds on the ignorance or other infirmities characterizing the savage modes of life.

With great esteem and cordial regard,

JAMES MADISON.

The preparations of this cause, for hearing in the Supreme Court, occupied the present year. They were cautiously made, and every resource employed to give the case the advantage of a full and deliberate trial. These precautions were the more ne-

cessary, in view of the assiduous zeal of partisans to prejudice the public mind on the question. Amidst the storm of vituperation which beat upon the head of the leading counsel in the cause, he preserved an admirable equanimity and steadily performed his duty.

"What times have we fallen upon,"—he writes at this juncture, to his friend Carr—"when a man cannot pursue his profession honestly, quietly and decently, without being dragged into the papers and dragooned into a political partisan, *nolens volens!* But it will be all in vain with me. I shall hold on my course calmly and firmly. Let them do their worst. A politician they shall not make me, whatever they represent me to be. —— is a right good fellow in every thing but his Georgia politics. But the Indian question is a cord of insanity to many. They are hardly responsible for what they do under the influence of the mania which has seized them. Heaven knows to what lengths they will carry it, supported as they are at Washington. It was with great difficulty they were restrained, by the energy of Mr. Monroe and Mr. Adams, from moving on the Indians sword in hand. But I shall try their metal with the Constitution of the United States, if I can get a question into the Supreme Court. I have determined to move no farther on my own opinion merely. I have written to the principal Chief that he must consult some of the first lawyers in the country before we go farther. Sergeant is engaged with me. He concurs in my opinion. Binney, Kent, Spencer and Webster, will be consulted, and I hope Chapman Johnson, Leigh and Stanard. The Cherokees are not rich, and their funds have been embarrassed by the new mode adopted in paying their annuities. Instead of being paid to the nation in *solido*, as always has been done heretofore, they are doled out in driblets *to the individuals* of the nation—as if the design were to disable them from supporting this controversy."

Turning from this subject for the present, to resume it hereafter, we have to notice in the following letter, amongst other things, that an attempt was made at this period, in Maryland, to induce Mr. Wirt to forego his often repeated resolve, and to enter the political arena as a candidate for public service. It was proposed to nominate him for the representation in Congress of the district which included the city of Baltimore; and his friends had led him to be-

lieve that the State would be gratified by an opportunity to present him to the Senate of the United States, when the term of the incumbent then holding this post should expire. The manner in which these propositions were received by him, is characteristic, although we may perceive in it some relaxation of the rigor of his former resolves:

TO JUDGE CARR.

BALTIMORE, June 16, 1830.

I have been attending our Court of Appeals on the Eastern Shore, my dear friend, and got home only last evening. I went on a special call and gave them an harangue. There were twenty or thirty ladies in the court room to hear me on a dry question of law. It is said to be the first time that a lady has ever been seen in the court room, for her own pleasure. It is somewhat strange to me that, although I have been a strict reasoner ever since I crossed the Potomac, the sins of my youth, in the way of rhetoric, should cling to me so pertinaciously, that ladies should be continually flocking wherever I am to speak in a new place,—and only to be disappointed. I suppose it is a compliment: but I have so little vanity on this score, that it is a compliment I would gladly dispense with. It is an insinuation of a light and florid turn of thinking, which is not to my taste. But, as you say,—let that pass.

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I suppose you are right about our obligations to our country. It is not my own personal convenience, my dear friend, that I should ever think of consulting in such a case. It is my wife and children whom I must necessarily leave before long, and I cannot bear to think of leaving them poor and dependent on this vile world. For this reason I have toiled, day and night, exclusively in my profession, and I am willing, nay desirous, to do so still, in the hope that God will be pleased to bless my exertions in their behalf. I have an utter distaste to politics. I hate, from my heart, all its vile intrigues and cabals. I am and have been peaceable and quiet, by keeping aloof from its "brawls and brangles,"—as Daniel Call used to say—and shudder at the idea of marring

my tranquillity in my old age, when I feel that I stand more in need of it than ever. I hate all quarrelling, lying and slandering, and the hot blood and feverish contentions which, now-a-days, at least, seem inseparable from a political life. In the paper of this morning, I see my name put up as a candidate for Congress in this district, and the strong hope expressed that I will agree to serve. I never had a hint of it before, and sincerely wish they would let me alone. I shall certainly not canvass for this or any other office. If they do put me up, I hope and believe I shall not be elected; for this district is one of the strongest holds of Jacksonism in the State. Besides, the people require a courtship which they will never receive from me. I have not the pride of Coriolanus, but I shall never stoop to ask an office. I have always disapproved, upon principle, this business of canvassing. I was elected once for Richmond, but I had no hand in it; and as the matter will not be one of my seeking,—but, on the contrary, is exceedingly undesirable to me, I should be a madman to solicit an election.

You know the world well enough to know that, with these sentiments, my repose is in no great danger of being disturbed, by having these honors thrust upon me, which others seek so strenuously. If they should choose, hereafter, to send me to the Senate—that I should not refuse. But the time for doing that is a good way off, and Maryland may throw another somerset before that day comes,—or I may sink out of view and be left to my peace. * * * Party is high and hot here. It is a Moloch to which I will never sacrifice.

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Your friend,

WM. WIRT.

So little encouragement was given to the enterprise of making the writer of this letter a candidate on this occasion, that it was dropped. On the same occasion he wrote to his son-in-law in Florida:—

"They have been pressing me here to become a politician; but I think of Monticello and Oakhill,* and shake my head. So much for patriotism and political honor and glory! Let them seek it, who choose. I will have none of it. My ambition is to

* The seat of Mr. Monroe.

slip through the sequel of my life as level and as quietly as I can. They are making a noise about me in the papers, in consequence of having done my duty by my Indian clients. I shall go on without concern, and do my duty still. I have a higher bar to answer at than any in this world, and if I can secure a judgment there, I care little for what the unworthy may say of me here."

During this year Mr. Wirt was twice invited to deliver discourses in public. He accepted the invitation in both cases. The first was to make an address to the two literary societies of Rutgers College in New Jersey. He repaired to New Brunswick and performed this duty in July. The address was delivered in the College, before a large audience, and was received with a degree of favor that drew upon him—to use his own expression—"showers of compliments from every quarter." "Southard thinks well of it"—he tells Carr, in a tone which implies his own satisfaction, not less than it conveys a delicate tribute of praise to the friendly critic—*laudari laudato viro.*

This discourse presented the orator an occasion to indulge in a favorite theme—the education of youth. It is written in a more subdued and didactic character than is usual in what we have seen published from the pen of Mr. Wirt. It is eminently entitled to frequent perusal by the student who has not yet set his foot beyond the college threshold. He will find in it the treasured experience of a safe and skilful guide, imparted in the earnest language of an eloquent mind, and commended to his affections by the kindliest and most parental solicitude. The professors of the College told him that they expected great profit from this discourse to their pupils; and Dr. Green, formerly the president of Princeton College, said, on taking his hand, "I am an old man, sir, but I have brought one of my sons to hear you, and I hope he will derive much good from the noble sentiments he has heard so well expressed."

The other discourse was delivered in Baltimore, on the 28th of October, upon a public celebration there of the revolution in France, accomplished in the Three Days of July. It was hastily prepared, in compliance with what might almost be regarded as a command from the city, and constituted the most prominent object of attention in a popular jubilee attended with much pageantry and parade. The author, desirous not to appear "disgracious in

the City's eyes," promptly and cheerfully performed the duty assigned to him. The occasion furnished no great scope for anything beyond rhetorical declamation. The address, too, bears the marks of the rapidity with which it was written. As it is evidently a production upon which Mr. Wirt bestowed but little care, and which seems to have sprung much more from the desire to oblige, than from the fervor of a mind which takes pleasure in imparting its thoughts, it is entitled to an exemption from that comment which a graver or more genial labor would challenge.

CHAPTER XVI.

1831.

IMPEACHMENT OF JUDGE PECK.—OUTLINE OF THE CASE.—THE TRIAL.—EXTRACTS FROM THE SPEECH OF MR. WIRT.

THE impeachment of James H. Peck, a Judge of the District Court of the United States, for the District of Missouri, was resolved by the House of Representatives, on the 22d of April 1830.

In December 1826, it was first brought to the consideration of Congress by the memorial of Luke Edward Lawless, a citizen of Missouri and a member of the bar of that State. The Judiciary Committee of the House of Representatives, to whom this paper was then referred, and of which Mr. Webster was chairman, reported against the complaint, in that brief form known to parliamentary usage which suggests that the petitioner have leave to withdraw his petition. It was renewed at the second session of the next Congress, but with no better success. The committee to whom it was referred neglected or declined to make a report.

The House of Representatives which met in December 1829—the first which was elected under the new administration,—found the revived memorial of Mr. Lawless amongst the earliest business which was submitted to their attention. On the 15th of December, the record shows that it was committed, as heretofore, to the Judiciary Committee. That committee consisted of Messrs. Buchanan of Pennsylvania, Wickliffe, Davis, Bouldin, Ellsworth and White. After an examination of several witnesses, they reported, upon the 23d of March 1830, a resolution of impeachment. Judge Peck presented a reply to the charges brought against him: a debate ensued, and finally, upon a divison of one hundred and twenty-three to forty-nine, it was resolved that the Judge be impeached of high misdemeanors in office. Messrs. Buchanan, Storrs, McDuffie, Ambrose, Spencer and Wickliffe were ap-

pointed a committee to prepare and report the articles of impeachment. These gentlemen were the leading lawyers of the House, and distinguished throughout the country for their forensic talent. They were subsequently elected to be the managers to conduct the trial. Judge Peck was arraigned upon a charge of oppressive administration of his judicial office, in his conduct towards the memorialist, Mr. Lawless. This charge may be briefly presented in the following narrative:

Mr. Lawless was counsel for the Representatives of Antoine Soulard, in a suit brought by them, in the District Court of Missouri, against the United States, to obtain the confirmation of their claim to certain lands in that State. Upon a full hearing of the case, the Judge, in December 1825, rendered a final decree against the claimants. An appeal was taken from this decree, to the Supreme Court. After this appeal, and after the close of the term of the court, Judge Peck was induced to write out the opinion he had delivered in the cause, and to publish it in "the Missouri Republican," a newspaper of St. Louis. This opinion having attracted the attention of Mr. Lawless, produced from him an anonymous review or reply, which was published, in about ten days after the appearance of the first paper, in "the Missouri Advocate and St. Louis Enquirer." Its professed object was "to point the attention of the public to some of the principal errors," which, the writer affirmed, he had discovered in the opinion—and it enumerated, in regular series, eighteen propositions in which he supposed the Judge to be mistaken in the law or the facts. This paper was signed "A Citizen," and purports to be written by one who heard the opinion delivered at the bar.

At the next term of the court, which occurred in April, the Judge, having ascertained that the strictures upon his opinion were written by the counsel, was sufficiently offended to institute proceedings against him for a contempt. The result was an order to commit Mr. Lawless to prison for twenty-four hours, and his suspension from practice in the court for eighteen months:—which proceedings were alleged, in the articles of impeachment, to be "to the great disparagement of public justice, the abuse of judicial authority, and to the subversion of the liberties of the people of the United States." Mr. Wirt and Mr. Meredith of Baltimore, were retained by Judge Peck as his counsel.

The answer of Judge Peck was prepared by Mr. Wirt, and was submitted to the Senate of the United States, sitting as a High Court of Impeachment, on the 25th of May.

The defence of the Judge presents an elaborate statement of the character of a large number of land claims, of which that of the petitioners was one, all of which depended on the same principles, and a full discussion of the questions controverted by the counsel in his review of the published opinion. It states further that the Judge's opinion in the Soulard case, was delivered verbally in court, and was published at the request of several members of the bar who were interested in the parallel cases. That the subsequent review of this opinion by Mr. Lawless, the Judge regarded as a contempt of the court,—because it misrepresented that opinion in a manner calculated to bring the court into "disrepute, contempt and ridicule." Because, also, there were other claims still pending, in which Mr. Lawless was counsel for the petitioners, which claims were of the same character and rested on the same general principles as Soulard's case. That the publication of these strictures had a tendency to prejudice the public mind on the subject, and to excite the resentment of a numerous body of claimants and their connexions, against the Judge who alone composed the court. That, although the case was pending, on appeal in the Supreme Court, it was liable to be remanded for further proceedings, in which event it might be prejudiced by the publication of the counsel.

The defence, then entering into a minute analysis of the strictures, with a view to show that they were written in a contemptuous and derogatory spirit against the opinion of the court, admits the proceedings against the counsel, alleging that all the forms of law were duly observed. It states that the court, having attached him for contempt, tendered to him the usual privilege of purging himself from the charge; that he was asked if he desired to have interrogatories exhibited, to which his reply was,—that if exhibited, he would not answer them: that, in open defiance and contempt of the opinion of the court, he read, in open court, a paper which re-asserted the truth of the publication, signed "A Citizen." That the court considering these acts as contumacious and an aggravation of the first contempt, did pass the sentence against him as set forth in the charge.

The preliminary proceedings having now been settled, no farther steps were taken in the trial until the following December.

The trial began on the 20th of that month, and was continued, with occasional intermissions, until the 31st of January, 1831.

I should, in vain, endeavor to abridge this case within the limits which the plan of this Memoir allows, and to furnish even an outline of the questions which were brought into discussion in the progress of the trial. Much less could I furnish any accurate exhibition of the character of the eloquence which was manifested by the speakers on both sides. As a parliamentary proceeding, this case will always attract the highest consideration from those who are interested in the study of grave and authoritative precedent. The trial is remarkable for the ability displayed by those who conducted it; not less so for its dignified and scrupulous conformity with the best usages known to parliamentary law; for its calm and dispassionate justice; for the august character of the tribunal, and the great value of the questions in debate. I can only refer my reader to the public volume which contains the report of the trial, for that full account of it which alone would satisfy him who desires to become acquainted with a proceeding so conspicuous in our Senatorial annals. My purpose here is to extract some passages from Mr. Wirt's speech on the trial, which I think will exhibit a fair specimen of the style of the orator, and of his manner of treating the most popular topics which the occasion supplied.

The chief points which occupied the counsel on both sides, were those which related to the liberty of the press and the right to publish comments on questions pending in the courts, and to the limitations upon the power of the courts to punish for contempts. Upon this latter point the argument is very full; and, perhaps, it is not too much to say of the trial, that it affords the most able and complete exposition of the doctrine of contempts and of the judicial decisions relating to it, to be found in the records of legal opinion. Mr. Wirt's argument upon this topic is presented with singular force, and furnishes an admirable example of logical analysis embellished by the happiest oratory. Indeed, this speech throughout, is remarkable for its power and beauty, and will always be regarded as one of the best in the literature to which it belongs. It is the only speech of Mr. Wirt's, with the exception

of that on Burr's trial, which has ever been so fully reported, as to enable one who had never heard him to form a competent opinion of his faculty as an accomplished lawyer. Yet, even in this report, which was carefully revised by himself some months after the termination of the trial, I am informed by those who heard the argument, that many of the finer and more delicate passages which attracted the commendation of the by-standers in the delivery, have escaped from the memory of the reporter.

At the commencement of the trial, the public feeling is said to have been greatly against Judge Peck. The managers seemed to be deeply and sincerely impressed with the conviction that the proceeding against him was due to the public interest. The charge itself was of a character to excite a prejudice against the accused, upon slight proof. One of the managers was sufficiently wrought upon by his own review of the facts of the case, to say in his speech—"If I had been thus made the victim of judicial vengeance and judicial tyranny; if I had been sentenced to an ignominious punishment, by an act of flagrant usurpation, and reviled and calumniated as Mr. Lawless was, by the tyrant who pronounced the unlawful and iniquitous sentence, I should have been almost irresistibly impelled by the highest impulses of my nature, to drag the judicial monster from the seat he disgraced, as Virginius dragged the tyrant Appius from the throne he had polluted." When such sentiments found utterance in the Senate Chamber, we may believe that they were entertained, even with exaggeration, out of doors.—By degrees, as the trial drew towards its end, this acrimony of opinion grew less severe; and when Mr. Wirt closed the defence, it was apparent, every where throughout the multitude of both sexes who crowded the Hall of the Senate to hear him, that the public judgment had taken a most favorable direction towards the acquittal of the accused. The trial lasted six weeks. On the 31st of January the vote on the question of guilty or not guilty was taken. It required two-thirds of the Senate to convict. The vote stood twenty-one for conviction, twenty-two against it, and the Judge was acquitted.

With this cursory narrative of the case I proceed to make the following extracts from the speech of Mr. Wirt.

"Mr. President, Something is continually occurring to humble the vanity of man with regard to his boasted intellect, and to draw

a sigh of regret from every reflecting bosom at witnessing the inability of human reason to contend with human prejudice. That the weak, the vicious and the interested should be the victims of this prejudice is too common an occurrence to excite surprise; but that the strong, the enlightened, the virtuous, should suffer the same kind of eclipse, is a practical lesson on human infirmity well calculated to teach charity to us all. Seeing as we do, every day, what opposite conclusions are drawn, and sincerely and honestly drawn, from the same premises, and how much of feeling is blended with the best operations of our reason, what candid man is there among us who can arrogate to himself the exclusive right to take the moral chair and to arraign the motives of his neighbor? I have labored to look at the evidence in this case as abstractedly and disinterestedly as if I were myself to pass judgment upon it; and thus looking at it, I have listened with perfect amazement, to the feelings of horror expressed by the honorable managers at the contemplation of the same picture which has left me perfectly placid and serene. How can I account for this but on the presumption that there is some cloud of prejudice, on the one side or the other, which intercepts the view, and prevents us from seeing things as they really are? I look in vain at the evidence for anything to justify those rhapsodies of horror which have been so profusely poured forth here; and as I cannot see this horror in the picture, I am forced to conclude that it exists only in the imagination of the beholder. There is certainly some fatal prejudice at work on the one side or the other. It may be on my own. I am fully aware that the relation of advocate which I bear towards the respondent, and those kind and friendly feelings which the long and close intimacy generated by this prosecution has produced between us, and which I think it will be impossible for any man to refuse to him after such an intercourse, may have disqualified me for judging fairly of his case. On the other hand, it seems to me that the honorable managers have come to the examination of this case under so strong a prejudication of the guilt of the respondent, that the most trivial circumstances loom into consequence before them, and chaff and straw become a forest uptorn by a hurricane, and darkening the light of the sun. This honorable Court will judge between us. But after hearing the evidence, noting it carefully, and, so far as I could, *verbatim;* after

reviewing it as I have done, again and again, to what other cause than some fatal prejudice can I ascribe it, that this man, whose character you have heard from the most respectable gentlemen in Missouri, should have been held up before this Court, day after day, as a '*judicial tyrant*,' '*a monster infuriated by the malignity of his passions*,' '*a madman, blind with rage, striding over the fallen constitution and laws of his country, to grasp his victim and inflict vengeance upon him for no other offence than presuming, in respectful language, to question the correctness of one of his judicial opinions?*' Yet all this and much more has been said, and said with invocations and appeals to the Almighty such as were never before heard within these walls, and, I humbly trust, will never be heard again. Not only has this unfortunate man been thus held up before this honorable Court, and before the crowded galleries that have continually attended this trial, but I perceive by the public papers that this hideous caricature has been sent throughout the nation with all the wings that genius and eloquence can give it. It has been seen by thousands who will know nothing of the evidence, and who will, of course, take the picture as true, on the credit of the honorable manager by whom it has been emblazoned; and long ere this, I do not doubt that many an anxious father in the remotest parts of our country has been addressing his son, with this paper in his hand—'See here, my son, what a horrible being the Senate of the United States have now before them—see what a monster a man may become by the unbridled indulgence of his passions—take warning by this—and if your country should ever elevate you to office and honor, beware of your passions—beware of pride, revenge and cruelty, lest you become such another monster as this, and bring down the gray hairs of your father with sorrow to the grave. Even this wretch, Peck, may have had respectable parents, and may have been once their darling hope and joy—yet we see how he has blasted their hopes, turned their joy into sorrow, and covered all his connexions with shame and confusion.'

"How long must it be before this cruel error can be corrected? How long must it be before the people of the United States can be made to understand that some of the most enlightened and respectable gentlemen of Missouri have come before this Court and deposed, upon their oaths, that this alleged monster is one of the

most mild and patient of men?—meek and kind and charitable in private life—gentle, respectful, polite and courteous on the bench; and, in the simple and touching language of one of those witnesses, Judge Kerr, 'so amiable, as to be *very dear* to all who know him.' Sir, even the witnesses against the respondent admit that such is his general character. While some of them say that he was *warmer than usual* in the particular instance under consideration, they all agree that his usual temper and manner are marked with great mildness, patience and courtesy both towards the bar and the suitors before him. Sir, with this evidence before me, to what else can I ascribe that tragical and horror-stricken exhibition which has been made of the respondent by the honorable managers, than to some dark and immovable cloud of prejudice which hides his real character from their view?

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"Mr. President, there is no good that does exist or can exist, unless guarded by restraint. The best things that we enjoy, the noblest qualities that we possess, become vicious by excess. Mercy degenerates into weakness, generosity into waste, economy into penury, justice into cruelty, ambition into crime. In advancing this sentiment, can any man justly accuse me of hostility to those virtues which I would restrain from shooting into vices? Yet, in sound logic, there would be quite as much candor and justice in such a charge as in accusing the respondent of hostility and contempt towards the liberty of the press, because he has said that if unrestrained it must degenerate into licentiousness. Sir, this principle of restraint has the sanction of Almighty wisdom itself, for it is impressed on every part of the physical as well as the moral world. The planets are kept in their orbits by the restraint of attraction; but for this law, the whole system would rush into inextricable confusion and ruin. Does it detract from the simplicity, the beauty, the grandeur of this system to say that one of the laws which upholds it is the law of restraint? Is it not to the restrained position of the earth that we owe the revolution of the seasons with all their appropriate and successive enjoyments; and to its restrained revolution towards the sun that we owe the relief of day and night, the seasons of labor and repose? What hinders the vine from wasting its juices in wild

and fruitless luxuriance, but the restraint of the pruning-hook and the discipline of the training hand? What hinders the product of that vine from becoming a universal curse, but the restraint of temperance? What gives to civilized society its finest charm, but the restraints of decorum, of mutual respect, of honor, confidence, kindness, hospitality? To what do we owe the very proceeding in which we are engaged, and the advantage of calm and regular discussion, but to the restraints of the Constitution, of settled rules of proceeding, and of that courtesy and forbearance which we are happy in interchanging with our honorable opponents? Look where you will, then, sir, above you, around you, below you, you see that the great conservative principle is restraint—that same restraint which holds human society itself together. And does it derogate from the value of the liberty of the press, or is it, in fair reasoning, any impeachment of a man's respect for it, to say that *that*, like all other human blessings, requires the purifying and conservative principle of restraint? And yet this is the head and front of the respondent's offending in this particular; and it is for advancing this sentiment that the fiery tempest has been poured upon his head. Sir, I must take leave to say, and I am guilty of no disrespect in saying it, that the respondent feels as deep a reverence for the liberty of the press as its loudest panegyrist can vaunt. For it is not always those who are loudest of speech or most profuse of tongue that feel the deepest love. There be those who, when they hear those burning and impassioned bursts of eloquence in favor of that popular topic, the liberty of the press, are ready to exclaim with poor Cordelia:

> 'Then poor Cordelia!
> And yet not so; since, I am sure, my love's
> More richer than my tongue—'
> 'Unhappy that I am; I cannot heave
> My heart into my mouth: I love your majesty
> According to my bond; nor more, nor less.'"

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Speaking of the power to punish for contempts, the argument is introduced with the following clear and useful discrimination.

"Before I proceed to the books for the extent of this power, let me endeavor, sir, to take off some of the odium which has been unjustly attached to it. It is an extremely mistaken view of this power to suppose it intended *to erect the courts and judges into a privileged order* and *to set them up*, as it has been said, above the heads of the President, Senate, and House of Representatives. This is one of those *argumenta ad homines* which might have been spared, without detracting from the dignity of the prosecution. If seriously urged as matter of grave argument, it proceeds from extreme inaccuracy of legal perception, as to the character, purpose and application of the power. Sir, it is not a *personal power to the man* who holds the office of a judge. If the insult be a *personal one, merely*, it cannot be punished in this way, though the *person* insulted be a *judge*. For a *personal libel*, he can proceed only, *like all other citizens, by a personal action*, in which personal damages are removed, or by *indictments*, in which the fine goes to the State. This is the admission of all the judges who have ever been called to consider the subject. You will find Hardwicke, Wilmot, and all the English as well as American judges, *marking this distinction, and marking it strongly*. It is only for scandalizing *the court, as a court*, and *on account of their judicial acts*, or scandalizing the judge, on account of an act *done in his judicial capacity*, that the attachment for a contempt will lie. And it is not, as Judge Dade, Judge Haywood, and all the other judges, foreign and domestic, say, it is not *for themselves* that this power is conferred; it is *for the public, whose officers and servants they are;* and because it is of the utmost consequence to the people themselves who have erected these tribunals and to whom they belong, that they should command the deference, respect and confidence of the community. For these men are placed in these offices as the *conservators of the peace and order of society:* to settle quietly and peaceably those controversies among individuals which, if there were no such *peaceful arbiter*, would end invariably in quarrels and bloodshed, and be settled by *the law of force*. But to the successful performance of this duty, it is indispensably necessary that they should be held in respect by the community with regard to which they are to perform this part of mediators and peace-makers. For, say these wise and learned judges, English and American,—and they speak a practical truth acknow-

ledged in all ages,—if every disappointed suitor shall be permitted, with impunity, to revile, insult, and traduce the tribunal which has been appointed by the people to decide his controversy, all the respect and authority of these tribunals will soon be at an end, their utility will be destroyed, the very purpose of their institution frustrated; and with them will fall the authority of the laws themselves."

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"There is another passage in Lord Wilmot's opinion, which has startled the republican feelings of the honorable manager. The Chief Justice speaks of the importance of preserving the *authority* of courts; meaning, as he says, by their *authority*, not their coercive power, but that *homage* and *obedience* which are rendered to courts, from the opinion of the qualities of the judges who compose it. 'It is a confidence in their wisdom and integrity, that the power they have is applied to the purpose for which it was deposited in their hands; *that authority acts as the great auxiliary of their power*, and for that reason the Constitution gives this compendious mode of proceeding against all who shall endeavor to impair and abate it.' It is in this train of thought, and in this light, that he advances the proposition which has given so much offence to the honorable manager. Having spoken of the ground on which attachments issue for resistance to the officers of the court, he adds, 'But the principle upon which attachments issue for libels upon courts is of a more enlarged and important nature—it is to keep *a blaze of glory around them*, and to deter people from attempting to render them contemptible in the eyes of the public.' What kind of a blaze of glory is Lord Wilmot speaking of? Is it the external pomp and gorgeous trappings of office—wigs and robes, and ermine, and maces? No, sir; he has told you his meaning. It is that blaze of *moral glory* which results from their virtue and intelligence, and the *public homage* with which these high qualities surround them. It is that *authority* and *veneration* which always encircle the good and the great. Cast your eyes on the ancient republics of Greece and Rome—will not your memory readily supply you with names around whom this halo of glory continually beamed? Solon, Lycurgus, Pericles, Phocion, Epaminondas, Aristides, Socrates, Numa, Justinian, Cincinnatus, Fabricius, the Catos, the Brutuses,

and a magnificent constellation whose stars it were endless to count; that shed *a blaze of glory* in the age in which they respectively lived, and imparts that blaze of glory even yet to the page of history which recounts their noble qualities and achievements. What was it that consecrated the Areopagus of Athens? What was it in the senate of Rome that struck the ambassadors who entered it with awe, as if they had entered an assembly of gods? Nay, sir,—let us come to our own country. Let the honorable manager cast his eyes on the declaration of our independence, and the names appended to it. Does the honorable manager see nothing of *a blaze of glory* there? Sir, have we no such assemblies, no such tribunals, no such individuals in our own day? Who does not know and feel that we have!—nor would it be necessary to go far to find them. But the ground is delicate, and I have no taste for the name of a parasite.

"Sir, a contempt for this fine and just sentiment of Lord Wilmot, may be thought a proof of spirit and boldness and independence. But if peace, and order, and decency in society, be of any value, that sentiment will find minds to admit and hearts to feel its truth. I hope there are yet such among us, If there be not—'chaos is come again!'"

"Having thus examined the law with regard to the abstract power of courts to punish for contempts, let us turn, now, to the case in which the power was exercised. Was the case a proper one for the application of the power, or was Judge Peck guilty of a high misdemeanor in punishing this publication as a contempt? Was it a contempt of court? Was Judge Peck actuated by the guilty intention charged in the impeachment in punishing it as a contempt, or was he governed by a conscientious sense of his judicial duty?

"And here I must be permitted to observe, that the case is not within the nut-shell, in which the honorable managers seem to suppose it to lie. It is a question of *intention*, both in regard to Mr. Lawless, and to Judge Peck. *Quo animo* was the publication of Mr. Lawless made? Was it for the purpose of *decent* and *respectful discussion* of *fair* and *candid criticism* for the *elucidation of truth?* or was it to revenge himself on the court for the disappointment which their opinion had inflicted on him. Was it for the wicked and malicious purpose of exposing the court to public

contempt, and ridicule—to exasperate the suitors against the Judge—to ingratiate himself with those suitors by making a display of his superior learning, intelligence, and firmness in bearding the Judge upon his judicial seat, and proving that he was either a fool, or a knave, and this by the most foul and wicked misrepresentation of his opinion? Was it to make a lodgment on the public mind in favor of the claims, the great mass of which remained undecided; and against the blind and stupid Judge, who had so grossly wronged all these suitors? These are the questions which enter into the consideration of the *animus quo*, on the part of Mr. Lawless; and in order to answer them satisfactorily, we must understand the history of his connection with these land claims; the extent to which he was interested in them; the manner in which he was affected by the decision in Soulard's case; and the feelings, and motives likely to actuate him. So, with regard to Judge Peck, the question is *quo animo* did he issue this attachment. Was it, as has been alleged, to sooth his vanity, which had been wounded by the publication of Mr. Lawless; was it from personal revenge, and for the tyrannical and unlawful purpose of oppressing a man whose only offence was that he had exercised the rights of a freeman in questioning, in decent language the correctness of one of Judge Peck's opinions? or was Judge Peck actuated by the just, and proper motive of vindicating, with promptness, the dignity and authority of his court against an impudent and defamatory libel? These are the considerations which relate to the *quo animo* of Judge Peck; and to enable us to make a proper estimate of his motives, we must look to his peculiar situation. Sir, I have heard it suggested, even by those who condemn the conduct of Mr. Lawless, that it would have been better for Judge Peck to have treated it with silent contempt; and as it is not impossible that a similar suggestion may have presented itself to some of the members of this honorable Court, I beg leave to observe, that many things may be passed over, and are continually connived at by a judge in one situation, which it would be not only excusable but proper for him to notice and punish in another; nay, which his duty to the tribunal, and the country to which that tribunal belonged, would make it his imperative duty to punish, in another situation. In an old and long settled country, for example, like England, or like the Atlantic

States of our Union, where the respect for the laws and the tribunals which administer them is established and habitual, a judge may well connive at an isolated case of contempt. But you may place a judge in circumstances in which such a connivance would be the extreme of folly, and would be universally condemned. Even in so old a country as England such a situation might occur. Suppose, for example, a judge sent down from London, under a commission of *oyer* and *terminer* into a part of the kingdom which had been recently in rebellion, and where the elements of discord and insurrection were yet at work around him. Does not every man see that it would be the duty of such a judge, so circumstanced, to observe with vigilance and punish with severity, the first indication of insult to his authority, so as to crush the spirit of contumacy in the bud, and prevent it from becoming bold and audacious by impunity? Again, suppose a judge (I put it, for the present, hypothetically) in a distant and frontier territory, to have thrown upon him, by the legislature of his country, the judicial settlement of a vast mass of foreign land claims, held partly by the original claimants, chiefly by sharp-sighted and sharp-set speculators, of rapacious and insatiable appetite; among which claims, though there were, no doubt, some that were fair and honest, there were others of a false and fraudulent character, which their holders might attempt to force through his tribunal by their intrepidity and effrontery;—I appeal to every considerate man whether such a judge is not placed in a situation which calls upon him to hold the reins of authority with a strong and firm hand, and to rebuke, with promptitude and energy, the first attempt either to insult or to intimidate his tribunal? Would you deem it wise or dignified in a judge so situated to permit himself, in his judicial capacity, to be exposed, by the misrepresentations of one of the officers of his own court, to the resentment of this large body of suitors, and to the general contempt and scorn of the community? Will not, must not, every candid and honorable mind find, in the situation of a judge so circumstanced, a sufficient, a just and proper motive for a vigorous assertion of the self-defensive and protective powers with which the law has armed him, without resorting to the base and despicable motives of wounded vanity and personal pique? We insist that Judge Peck has done no more than every judge would have had the

perfect right and power to do under a similar attack upon the authority of his tribunal; and if there are other judges who would have overlooked such an assault, and it be thought hard and vindictive in Judge Peck not to have imitated such an imaginary model of forbearance, we refer to the peculiar situation in which he was placed, and the characters with which he had to deal, as a complete vindication of the propriety and wisdom of his course. With regard to *him*, therefore, and for the purpose of ascertaining the true motives of his conduct, it is fit and necessary to look at his situation, with all the circumstances that naturally pressed themselves upon his consideration, and governed his conduct.

"So, on the other hand, in the case I have put of a judge called by legislative authority to the adjustment of a vast mass of law claims: suppose the individual charged with the contempt to have been the leading council, the attorney general of these claims, the *dux gregis* of the whole flock, *with a princely fortune staked on the contingency of success.* Suppose that in the first decision that takes place, this adventurer sees the discomfiture of the whole phalanx of these claims, the disappointment of all his hopes, the vanishing of all the visions with which he had warmed his fancy: under the exacerbation of such a disappointment, what will probably be his course of conduct? If he be an irritable man, a man of turbulent and lawless propensities, a man accustomed to the wild uproar of insurrection and civil war, his first impulse will probably be revenge upon the tribunal which has inflicted the disappointment: *ruat cœlum*, but not *fiat justitia.* He may not call the judge to '*see him so*,' [taking the attitude of the duellist in the act of firing] as one of the witnesses described it: but he has it in his power to take another kind of revenge. He can publish a libel on the judge; he can so dissever, misrepresent, distort and discolor his opinion, as to render it absurd and ridiculous, and thus fix upon the judge's head the ass's ears or the rogue's brand, so as to deprive him of all the confidence and respect of the community, and make him a mark for the finger of universal scorn. Or, if he looked deeper into the game, he might have concerted a plan of hostilities, of which this libel was to be the first stroke, to blow up the tribunal altogether, and to erect another upon its ruin, before which his shattered troop of claims

might appear with renovated hopes. I do not say that these were Mr. Lawless' motives, for I pretend not to know the secrets of the heart. But I wish this honorable Court to review all the circumstances of the case as they have been offered in evidence, and then to ask them whether there was not sufficient color for suspecting that Lawless intended to insult and degrade the tribunal, to justify the Court in calling upon him to say whether such was his intention or not? This alone was the object of the rule upon him to show cause why an attachment should not issue? If, on his appearance under that rule, he had *condescended* to disclaim the insult, and to give that explanation of his motives which he has not disdained to give here, there would have been an end of the case, and we should have heard no more of it. But of this hereafter. At present, I have presented this hypothesis only for the purpose of showing that the field of circumstances from which the intention is to be gathered, is much broader than the mere proceedings on the attachment, to which the honorable managers have confined their views. The inquiry properly begins higher; and if we would possess the whole ground and embrace all the circumstances which properly enter into the question of *intention*, we must look to the origin and progress both of Judge Peck's and Mr. Lawless' connection with these land claims. The Court is not menaced with a prolix inquiry on this subject. The ground has been already trodden, and my remarks will be brief. They are, however, necessary to the connection and illustration of that course of reflection which I deem it necessary to the justice of this cause to place before this honorable Court."

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"But the honorable managers insist that 'there is nothing in the article at which offence could be taken by any reasonable man.' They insist that 'it is perfectly decorous and respectful, throughout; that the language is not only *delicate*, but most cautiously guarded and polite; that the object was merely to point out what Mr. Lawless thought *errors* in the opinion; that he calls them *errors*, and nothing more; and that there is not a *single scurrilous word*, from the beginning to the end of the publication.'

"Mr. President, the honorable managers seem to me to pay but a poor compliment to the good sense of this high and en-

lightened tribunal, when they suppose them capable of being deluded by such an argument. Sir, it is not the outside but the inside, not the shell but the kernel of the piece that we are called upon to examine. Sir, the malignity and mischief of a libel consists *not in the words* it employs, but *the thoughts it conveys*. The most poisonous serpent has a smooth and glossy exterior. The great bandit was sometimes seen in the courtier's robes. 'No rude expressions!' Why, sir, what is this to the purpose? Suppose a man were to publish of his neighbor, by name, in a public newspaper, a paragraph to the following effect: 'Many men of many minds—I may be wrong in the opinion; but it seems to me that my very respectable neighbor, Mr. A. B., committed an error, both in doctrine and practice, in entering my house after midnight, last night, and taking from my desk five thousand dollars in bank notes.' Would the affected delicacy of the language protect him from a prosecution for a libel? Sir, the humility of the tone in this essay is nothing more than the crouching of the tiger before he makes his spring; and the passages are not few in which he shows both his teeth and his talons. Let us come to the piece itself and see whether it be the innocent and legitimate thing it has been represented to be."

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"An honorable manager has told us that Mr. Lawless is an Irishman, and when he said *prohibit* he meant *not authorize*. But if he meant to plead the privilege of his nation, he ought to have apprised his reader of it fairly by a postscript—'take notice, reader, that I am an Irishman; and if I have committed any bulls in my attempt to state the Judge's propositions, you will please to remember I was born under the constellation of Taurus.' The honorable manager has added, that if Lawless had been a *Scotch Irishman* he would probably have added another specification, and charged the Judge with assuming that the King of Spain had *no right* to confirm certain claims, when all that the Judge had said was that the King was *not bound* to confirm them. Sir, there would have been no objection to blunders of this sort, if Lawless had hoisted his *national flag* in the onset: but he had no right to fire under English colors and leave his adversary and the world to construe his assault on that hypothesis. An Englishman would not be apt to call *capers, anchovies*, and shoot a brother officer

through the head for doubting his assertion that they grew on trees. Yet the honorable manager, I presume, would vindicate Mr. Lawless for such a course, though it might make wreck of the character, the peace, or even the life of an honorable man."

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"Let us come now, sir, to these after transactions, the final scene—the *conduct of the Judge* under this rude assault on the court over which he presided. It is *here* that the honorable managers make their great stand. Indeed, they seem to think it the only part of the case that demands consideration. That *guilty intention* which the impeachment charges, and which they know that they are bound to prove, before they can demand a conviction, is to be made out, they think, from *the conduct of the Judge himself*. His conduct, they allege, proves *personal malice* against Mr. Lawless, and establishes *that intention unlawfully to oppress and injure, by color of his office*, which constitutes the vital point of this impeachment. On this ground I meet the gentlemen, sir, with perfect composure; for I know that, with all their acknowledged abilities, it is utterly impossible for them to extract this proof of a *guilty intention from the conduct of the Judge*, except by the adoption of a process which every lofty and honorable mind will reject at once. Nay, it does not require loftiness or high honor; it requires only common charity to reject and spurn the process by which alone a guilty intention can be inferred from the conduct of the Judge—and that process is *by the gratuitous imputation of a base motive to an act equally referable to a pure one.* If the act be, in its own nature and character, equally consistent with a fair motive, what justice is there in imputing a foul one? Let it be observed, that there is no pretence of direct proof of malice (the *malus animus*) in the Judge. It is to be made out entirely by *inferences drawn from his conduct.* But, in the process of inferring motive from conduct, the act under examination must not be equally referable to a good and a bad motive. In a criminal trial, particularly, where every man is presumed to be innocent till the contrary appears, there must be no equivocality in the act from which guilt is to be inferred; for that would be to *presume guilt*, where innocence might, with equal fairness of reason, be presumed. The accused having, in the outset, the legal presumption of innocence on his side, must continue to be presumed innocent until

some act shall be adduced which is entirely inconsistent with such presumption, and consistent only with the presumption of guilt. But an act which, upon its face, is equally compatible with an innocent, lawful and honorable motive, will never, on such a trial and before such a tribunal as this, nor any other tribunal that knows its duty, be referred to a guilty and a base one. It does not require the inclination to err on the side of mercy rather than of justice, to acquit rather than to condemn, which distinguishes every enlightened criminal tribunal, to adopt the course of construction on which I insist: it requires only common reason, common right, a common sense of justice. For what innocence, what virtue, what nobleness of character, can protect a man, if the purest, and wisest, and best acts of his life, may be *tortured into guilt by the arbitrary imputation of a guilty motive.* Gentlemen may descant as long and as loudly as they please on the imaginary tyranny of Judge Peck; but the tyranny of a government in which such a principle of criminal law prevailed as that which is applied to fasten guilt upon him—the wanton and gratuitous inference of guilt from an act consistent with the purest innocence—would be a tyranny that would not be borne by any man who knew what freedom was, and had the power of locomotion. As for myself, sooner than live under such tyranny, I would say with Brutus—'*Longe à servientibus abero, mihique esse judicabo Romam, ubicumque liberum esse licebit.*'"

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"But an honorable manager has said that Lawless was perfectly correct in refusing to answer, *the proposal being against right and liberty;* and yet, sir, it is the standing form and course of practice on all such occasions. Gentlemen treat that as an offensive innovation which has been the course of practice ever since the law of contempt was introduced. You cannot open a book, elementary or practical, which does not give you these interrogatories as the standing order upon the coming in of every defendant on the rule to show cause; and it is universally considered, not as an injury, but as a benefit to the accused—as his right and privilege; because it puts it in his power to clear himself of the contempt on his own evidence. And yet, sir, because Judge Peck tendered to Mr. Lawless this opportunity, and tendered it to him expressly as a

right and privilege given to him by law, in strict conformity with the immemorial and uniform practice of all courts on like occasions, an honorable manager has permitted his imagination to take fire at it as a most unprecedented insult, and from this small spark he broke out into that magnificent conflagration at which this honorable court, as well as ourselves, were so much amazed; declaring, with all the vehemence of voice and look and action, that if he had been in Lawless' place, and such an overture had been made to him, he 'would have dragged the tyrant from his throne, as Virginius did, and finished him on the spot.' And another honorable manager, who has since spoken, adverting to the same scene and apparently desirous of supporting his colleague in the sentiment, but despairing of rising to his attitude of indignation, exclaimed that if he had been in Lawless' place—*he would'nt have been so submissive*—attempting to supply by the significance of his look the inadequacy of his language to match his emotions. Mr. President, on what times have we fallen? The time has been that the virtuous and enlightened portions of society considered it as among their most solemn and imperious duties, to inculcate a reverence for the laws and for the tribunals that administered them. In a republic pre-eminently, where we have no sovereign but the laws, and the peace, the order, and happiness of society depend on a prompt and cheerful submission to them, this deference has been considered as a religious duty. But the times, it seems, are changed; and our distinguished men expect applause by teaching from high places, violence, tumult, disorder in our courts of justice, and even the assassination of judges, for no other offence than the performance of their common duties. I will not press the topic, for there is far more of pain than of pleasure in the prospect it offers of coming events. If ruffian force is to be invited into our halls of justice, what is to protect our halls of legislation? Why are we to suppose that the persons of those who make the laws will be held more sacred than those who administer them? And is our government to become one of violence on the one hand, and terror on the other? Are anarchy and uproar to take the place of peace and order; and are the leading men of the nation to advise and to exhort to this baleful change? Sir, there may be occasions that may call for a Brutus: but is the

misconduct of 'a petty, provincial judge,' as the gentlemen have been pleased to call Judge Peck, such an occasion? Is the Bench to be made to crouch, with abject fear, before the Bar; and are judges to be dragged from their seats and slaughtered whenever they may cross the wishes of a ferocious advocate? Is this the conception which gentlemen have formed of the *decorum* and dignity of a court of justice? We trust, sir, that better views will be inculcated by the decision in this case; that Mr. Lawless, and all other men in his predicament, will be taught that we are here in a state of peace, and not of revolution; that burning of houses and insulting judges is not our fashion; that this is a land of order, as well as of liberty; and that, among us, men are respected according to the respect which they themselves show to the institutions of our country."

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"Mr. President, I have now, under the pressure of ill-health, and deep affliction of spirit, discharged the painful duty which rested upon me. I have spoken *professionally*, and trust that I may not be so misunderstood as to be supposed capable of finding enjoyment in the wounds I may have inflicted. They are as painful to me as to others. But our duties, sir, whether pleasant or painful, must be done; and I should be unworthy of a place at your bar, if I could permit any ill-timed delicacy to interfere with their firm and faithful discharge.

"The question before you, sir, is not that of Judge Peck alone. It is the question of the independence of the American judiciary. It is in his person that that independence is sought to be violated. Is this Court prepared to suspend the sword by a hair over the heads of our judges, and constrain them to the performance of their duties amidst fear and trembling from the terrors of an impeachment? Or will you not rather, by your decision, maintain them in that firm, enlightened, and honest discharge of their duties, which has heretofore so pre-eminently distinguished them? Can you sacrifice such a man as Judge Peck to such a man as Lawless? Can you, by such a precedent, strike a panic throughout the American bench, and fill the bosoms of all the reflecting, the wise and good, with dismay and despair? Sir, there is not a considerate man who has not long regarded a pure, firm,

enlightened judiciary as the great sheet-anchor of our national constitution. Snap the cable that binds us to that, and farewell to our Union and the yet dawning glories of our Republic. I commit the subject to you, sir, without any apprehension of so dreadful a catastrophe from a tribunal like this."

CHAPTER XVII.

1831.

DEATH OF HIS YOUNGEST DAUGHTER.—HIS GRIEF.—HE WRITES A MEMOIR OF HER.—RELIGIOUS TONE OF HIS MIND.—RESEMBLANCE TO EVELYN.—HIS HEALTH AFFECTED.—OCCUPATIONS IN THE SUPREME COURT.—ARGUMENT OF THE CHEROKEE CASE.—EXTRACT FROM HIS SPEECH.—THE COURT DECIDES AGAINST THE JURISDICTION.—PRESENT CONDITION OF THE CHEROKEES.—LETTER TO JUDGE CARR.

THE "deep affliction of spirit," mentioned in the concluding sentence of the speech on Peck's trial, refers to an event which seems to have made a more permanent impression on the character of Mr. Wirt than any other incident of his life. The trial of the impeachment had scarcely begun, when he received from his family in Baltimore the melancholy tidings of the death of his youngest daughter, Agnes, then in her sixteenth year. This event was wholly unexpected, and came upon him with a poignancy of anguish which altogether disabled him from proceeding with the cause. The Senate considerately adjourned the trial for a week. When it was resumed the defence was chiefly conducted by Mr. Meredith. A month nearly elapsed before Mr. Wirt made his speech in the cause, and then,—as we have seen,—"under the pressure of ill-health and deep affliction of spirit." The excitement of debate and that eager, emulous character of mind which no personal misfortune nor bitter grief could subdue, bore him through the trial placidly, at least, and often, as we may gather from some playful sallies in his speech, cheerfully, when the contention of the forum blotted out all other memories. I have abundant proof before me that, in the intervals of the trial, the images of his sorrow rose thick upon his sight, and set loose the frequent current of his tears. "My sweet angel visits me, by faith, many times in the course of the day and night. I want only my blessed Saviour's assurance of pardon and acceptance to be at peace. I wish to find no rest short of rest in him."—"Dearest heart, let us

both look up to that Heaven where our angel is, and from which she is still permitted to observe us with interest:—up to that Heaven where our Saviour dwells, and from which he is shewing us the attractive face of our blessed and happy child, and bidding us prepare to come to her, since she can no more visibly come to us."—"I have no taste now for worldly business. I go to it reluctantly. I would keep company only with my Saviour and his holy book. I dread the world—the strife and contention and emulation of the bar—yet I will do my duty—this is part of my religion."

These and many such breathings came from him in the mid-days of the trial—some of them written from his seat in the Senate chamber.

The daughter whom he thus weeps, was, from earliest childhood, an object of extraordinary attraction to all who were familiar with Mr. Wirt's household. She possessed a remarkable intelligence and aptitude of mind, which was developed in a devotion to study very unusual to her years and sex. It was not less expressed in her face, which sparkled with physical and intellectual beauty. Her manners won all hearts by their gentleness and grace. The cast of her mind was thoughtful and most devoutly religious. These qualities had so planted her in the affections of her family, that she seemed to lead and instruct that little domestic circle, of which she was almost the youngest member. It is to her influence we may trace some of the strongest religious impressions of her father, whilst she lived; and still, in greater distinctness, the devout contrition and fervid piety which, after her death, became so engrossing and conspicuous in his character during the remainder of his life. Many beautiful letters addressed by him to this child, for several years, attest the estimate he made of her understanding, and his reverence for the purity of her character. From the topics discussed in them, and the grave tenor of their style in many which have fallen under my inspection, the reader of them would never suppose the correspondent to be a little girl scarcely emancipated from the nursery. But the precocity of her mind seems fully to have warranted the tone of these letters. She was her father's constant companion in his study: arranged and endorsed his papers for him; collected his books of authority when he was studying his cases,—made notes for him; and, by a

thousand affectionate assiduities, so associated herself with his happiest hours, as to render her presence one of his highest delights, and frequent letters to her, when absent, almost indispensable to his content.

We have a touching memoir of this daughter, written by him, not long after her death, which, as it served to recall many pleasing remembrances to the parent, was labored with the zeal of a sacred affection.—"Young as she was,"—he says in this memoir—"she seemed to be the seal and connecting bond of the whole family. Her voice, her smile, her animated graceful movements, her countless little acts and expressions of kindness and love, those 'small, sweet courtesies of life,' which she was so continually rendering to all around her, and with such exquisite grace of manner, had made her necessary to the individual happiness of every member of the household. When she was lost to us, it was as if the key-stone of the arch had been removed. There was a healthfulness in the glow of her fresh and young affections which animated the rigid nerves of age, and a pleasantness and beauty in the play of her innocent thoughts and feelings which could smooth the brow of care, and light up a smile even in the face of sorrow. To me she was not only the companion of my studies, but the sweetener of my toils. The painter, it is said, relieved his aching eyes by looking on a curtain of green. My mind, in its hour of deepest fatigue, required no other refreshment than one glance at my beloved child as she sat beside me."

The deep feeling and sadness of these lingering recollections, as we find them expressed, both in Mr. Wirt's letters and in this memoir, the graceful and refined utterance of them, and the earnest sentiment of religious resignation struggling upwards through a heavy cloud of grief, will not fail to remind the reader, who is familiar with the writings of Evelyn, of a parallel incident strikingly resembling this, in the life of that gentle and philosophic scholar.* Indeed, in the general complexion of mind, in cast of

* In Evelyn's Diary, March 10, 1645, he notices the death of his daughter Mary, at the age of nineteen, in terms singularly coincident, both in the description of the child and in tone of his own feelings, with those of Mr. Wirt.

"The justness of her station, person, comeliness of her countenance, gracefulness of motion, unaffected, though more than ordinary beautiful, were the least of

character, in the imaginations which were most pleasant to his fancy, in purity of taste, love of art and devotion to literature, as well as in the constant acknowledgment of the influences of Christian faith, Mr. Wirt bore a strong similitude to this distinguished Englishman, who now, after the lapse of two centuries, occupies so amiable a station in the literature of his country.

From this period we date a very notable change in the aspect of Mr. Wirt's life. He lost,—never entirely to recover it,—that buoyancy of spirit which heretofore, even in his gravest moments, was wont to break forth in sudden and irrepressible sallies. This sad event affected his health and secretly preyed upon his mind, to a degree which is supposed to have hastened the termination of his life. That religious reverence which had long been a sentiment of his heart now grew into a pervading and almost engrossing passion. It chastened his ambition, sobered his views of temporal life, led to the abandonment of schemes and fancies which for a long time had formed the staple of his hopes in the pursuit of his profession. He became, more than ever, a student in spiritual knowledge and a most devout and assiduous christian.

her ornaments compared with those of her mind. Of early piety, singularly religious, spending a part of every day in private devotion. What shall I say, or rather not say, of the cheerfulness and agreeableness of her humor? Condescending to the meanest servant in the family, or others, she still kept up respect without the least pride. She danced with the greatest grace I had ever seen—but so seldom showed that perfection, save in the gracefulness of her carriage, which was with an air of sprightly modesty not easily to be described. Nothing affected, but natural and easy in her deportment as in her discourse—to which the extraordinary sweetness of her tone, even in familiar speaking, was very charming. I have been assisted by her in reading and praying by me; comprehensive of uncommon notions, curious of knowing every thing to some excess, had I not sometimes repressed it. Nothing was so delightful to her as to go into my study, where she would willingly have spent whole days. But all these are vain trifles to the virtues which adorned her soul. She was sincerely religious, most dutiful to her parents whom she loved with an affection tempered with great esteem, so as we were easy and free and never were so well pleased as when she was with us, nor needed we other conversation. Oh, dear, sweet and desirable child, how shall I part with all this goodness and virtue, without the bitterness of sorrow and reluctancy of a tender parent! Thy affection, duty and love to me was that of a friend as well as a child!"

The Memoir of Mr. Wirt will form a portion of an additional volume of a devotional character which I have prepared from his papers. The reader will find in the perusal of it, how singularly it resembles the sketch which I have only partially extracted from the Diary of Evelyn.

I find, amongst the papers belonging to this stage of his history, much pious meditation and religious discourse, preserved in essays and other writings which seem to have occupied a large share of his time. Age advanced rapidly, making its strong marks upon his frame, but not subduing or even diminishing the ardor of his industry, or blunting the edge of his faculties. It made him wiser and better, without abating the strength of his judgment or intellect. Occasionally we may find his former playfulness revived, but we cannot help seeing in it, how much it was tempered and abbreviated by the ever-returning memory of his affliction.

The impeachment case had scarcely been disposed of, before Mr. Wirt was called to an active course of employment in the Supreme Court. It was fortunate, perhaps, to his peace of mind that, at this period of domestic grief, his professional engagements were more than ordinarily exacting of his time. No interval was allowed to sorrowful meditation. He addressed himself to the task before him with a manly resolution, and acquitted himself of his duty with an energy that wholly concealed or overmastered the troubles of his mind. After arguing several cases of inferior importance, he found himself, at once, at the threshold of that great controversy of the Cherokees and the State of Georgia, which, at this time, so profoundly engaged the public feeling.

The motion for the injunction in that case, was to be made, according to the notice, on the fifth of March.

On that day Mr. Wirt and Mr. Sergeant appeared as counsel for the Cherokee Nation. The State of Georgia refused to appear, and was therefore unrepresented in the Court. The cause was opened by Mr. Sergeant, and the argument concluded by his colleague.

"The great interest excited throughout the Union by this controversy," says the North American Review of that period, "was naturally to be expected from the novelty of the case, the dignity of the parties, and the high importance of the principles in question. The scene wore, in some degree, the imposing majesty of those ancient debates, in which the great father of Roman eloquence sustained, before the Senate, the rights of allied and dependent, but still sovereign princes, who had found themselves compelled to seek for protection and redress from the justice of the mighty Republic. We may add, that the high and well-earned

reputation of the counsel, retained by the Indians, added another point of resemblance to the parallel."

The most important question in the cause, as it turned out, related to the jurisdiction of the Court. The motion for an injunction against the State of Georgia to prevent the execution of the offensive laws in the territory of the Cherokees, was an original proceeding in the Supreme Court. The Constitution gives that tribunal jurisdiction in controversies "between a state or the citizens thereof, and foreign states, citizens or subjects." It gives, also, original jurisdiction to the Supreme Court, in all cases in which a state may be a party. The question which arose under these clauses was,—"Is the Cherokee Nation a *foreign* state within the meaning of the Constitution?" This question, though preliminary in its nature, and, in one aspect, decisive of the case, was argued by the counsel in connection with all the other topics belonging to the history of the controversy.

Mr. Wirt's argument was very carefully studied. It presents a complete view of the high questions of national law involved in the case, laid down with that precision and force which, more than any other quality, distinguished his exposition of complicated facts or principles. It is an argument upon which the most eminent lawyer in the country might contentedly rest his fame; and although it is delivered to the profession, stript of much of that embellishment which escapes in a revised report, it affords a very fair and favorable example both of the pleader's mode of debating questions in the highest department of the science of jurisprudence, and of the characteristic strain of his eloquence.

I can find space but for one extract from this speech which, altogether, fills nearly one hundred pages in the report. The portion I select refers to a topic of momentous concern at the time of the trial.

Georgia, as we have noticed, abstained from any recognition of the proceedings in the Supreme Court. There was a sullen and ominous silence on the part of the State. It was said by those who were supposed to be confidential with her counsels, that Georgia was not present because she did not mean to abide by an adverse decision, and, therefore, took no steps to secure a favorable one. She had assumed a position, according to the phrase of the day, "upon her reserved rights," and acknowledged

no arbiter between her and the Cherokees. Not long before this trial she had given a very significant hint as to the course she designed to pursue throughout the whole controversy. A Cherokee, known by the name of Corn Tassel, had murdered another Indian within the territory of the tribe. He was arrested by the authority of the State, under one of the recent laws against the tribe, was tried and sentenced to be hung. A writ of error was granted by the Supreme Court, to the final sentence of the State Court, upon the same grounds which induced the application for the injunction. But the State, totally irrespective of the proceedings, executed the sentence, pending the appeal.

This temper of the State, and the surmises which were so current in the Capital as to the manner in which a decision against Georgia might be received, suggested to the counsel the topic of his concluding remarks.

"Shall we be asked (the question has been asked elsewhere) how this court will enforce its injunction, in case it shall be awarded? I answer, it will be time enough to meet that question when it shall arise. At present, the question is whether the court, by its constitution, possesses the jurisdiction to which we appeal: and it is beginning at the wrong end of the inquiry to ask how the jurisdiction, if possessed, is to be enforced. No court takes this course in deciding such a question. They examine the question of jurisdiction by the law which creates the tribunal and marks out its powers and duties. If they find the jurisdiction there, they exercise it, and leave to future consideration the mode of enforcing it in case it shall be resisted. In a land of laws, the presumption is that the decision of courts will be respected; and, in case they should not, it is a poor government indeed, in which there does not exist power to enforce respect. In the great case of Penn and Lord Baltimore, in which the boundaries of States in North America were in question, Lord Hardwicke did not ask himself how he was to enforce his decree. Although the tribunal was parted by the Atlantic ocean from the territory in question; he felt no embarrassment on that point. He took it for granted, as he had a right to do, that the parties would respect his decision. Had the idea, even, crossed his mind of their proving contumacious, he would have relied, for the support of his authority, on the general coercive powers inherent in all courts, and,

these failing, on the strong arm of that branch of the government whose duty it is to see that the laws be executed. Nor would his reliance have been in vain.

"Sir, what is the value of that government in which the decrees of its courts can be mocked at and defied with impunity? Of that government did I say? It is no government at all, or, at best a flimsy web of form, capable of holding only the feeblest insects, while the more powerful of wing break through at pleasure.

"If a strong State in this Union assert a claim against a weak one, which the latter denies, where is the arbiter between them? Our Constitution says that this court shall be the arbiter. But, if the strong State refuses to submit to your arbitrament,—what then? Are you to consider whether you can of yourselves, and, by the mere power inherent in the court, enforce your jurisdiction, before you will exercise it? Will you decline a jurisdiction clearly committed to you by the Constitution, from the fear that you cannot, by your own powers, give it effect, and thus test the extent of your jurisdiction, not by the Constitution, but by your own physical capacity to enforce it? Then, why have you taken jurisdiction in the case of New Jersey and New York? The latter State has refused obedience to your summons. She refuses to appear. You have determined, nevertheless, and rightfully determined, to proceed with the cause. But, suppose the question we are now considering to have been put to you in that case:—how will you enforce your decree against New York? You tell her, for example, that the boundary between the two states is that which New Jersey asserts, and that she is not to exercise jurisdiction beyond that boundary. New York laughs at your decree and sets it at defiance. Her marshal refuses to execute it, and the State upholds and protects him, by force of arms, in his disobedience. She will not permit him to be attached for his contempt, and defies all your process of execution. New Jersey is too weak to enforce it. If the possibility of difficulty in enforcing your decree is to drive you to a surrender of your jurisdiction, the argument applies as forcibly to the case of New Jersey and New York, as to the Cherokee Nation against the State of Georgia.

"But, if we have a government at all, there is no difficulty in either case. In pronouncing your decree you will have declared

the law; and it is part of the sworn duty of the President of the United States to 'take care that the laws be faithfully executed.' It is not for him, nor for the party defendant, to sit in appeal on your decision. The Constitution confers no such power. He is authorized to call out the military power of the country to enforce the execution of the laws. It is your function to say what the law is. It is his to cause it to be executed. If he refuses to perform his duty, the Constitution has provided a remedy.

"But is this court to anticipate that the President will not do his duty, and to decline a given jurisdiction in that anticipation? Nay, are we to anticipate that a defendant State will not do her duty in submitting to the decree of this court? As to menaces of disobedience, the contumacy of a State to the authority of this court is not a new occurrence. It occurred in Olmstead's case. Pennsylvania there took this menacing attitude. Nay, she went further, and drew up an armed force in show of practical resistance. But was this court deterred by this menacing attitude? On the contrary, they did not even notice it, but moved on with the calm and constant dignity which alone becomes them, and Pennsylvania gave way without striking a blow. Georgia, heretofore, assumed this same menacing attitude towards the Cherokees and the executive branch of the government; but former Presidents gave her to understand that the United States would not permit the violation of subsisting treaties, and Georgia submitted to the decision.

"Sir, unless the Government be false to the trust which the people have confided to it, your authority will be sustained. I believe that if the injunction shall be awarded, there is a moral force in the public sentiment of the American community, which will, alone, sustain it and constrain obedience. At all events, let us do our duty, and the people of the United States will take care that others do theirs. If they do not, there is an end of the Government, and the Union is dissolved. For, if the judiciary be struck from the system, what is there, of any value, that will remain? Sir, the Government cannot subsist without it. It would be as rational to talk of a solar system without a sun. No sir, the people of the United States know the value of this institution too well to suffer it to be put down, or trammelled in its action by the dictates of others. It will be sustained in whatever cause its

own wisdom, patriotism and virtues shall direct, by the respect, the affections, the suffrage and, if necessary, by the arms of the country. It has been an object of reverence to the best and wisest men of our country, from the first movements of our Constitution to the present day. It has been considered by them all as the keystone of our political arch, the crown of its beauty and the bond of its strength. Nor will the people suffer it to be touched by rash and unskilful hands for the worst of purposes, in the worst of times, even if there are any among us so hardy as to meditate it. If, then, I am asked, how the injunction of this court, if granted, is to be enforced, I answer fearlessly, by the majesty of the people of the United States, before which canting anarchy (under the prostituted name of patriotism) and presuming ignorance, if they exist, will hide their heads.

"Sir, I have done.

"I have presented to you all the views that have occurred to me as bearing materially on this question. I have endeavored to satisfy you that, according to the supreme law of the land, you have before you proper parties and a proper case to found your original jurisdiction: that the case is one which warrants and most imperiously demands an injunction; and unless its aspect be altered by an answer and evidence,—which I confidently believe it cannot be—that if ever there was a case which called for a decree of perpetual peace, this is the case.

"It is with no ordinary feelings that I am about to take leave of this cause. The existence of this remnant of a once great and mighty nation is at stake; and it is for your honors to say whether they shall be blotted out from the creation, in utter disregard of all our treaties. They are here in the last extremity, and with them must perish forever the honor of the American name. The faith of our nation is fatally linked with their existence, and the blow which destroys them quenches forever our own glory: for what glory can there be, of which a patriot can be proud, after the good name of his country shall have departed? We may gather laurels on the field and trophies on the ocean, but they will never hide this foul blot upon our escutcheon. 'Remember the Cherokee Nation;' will be answer enough to the proudest boasts that we can ever make—answer enough to cover with confusion the face and the heart of every man among us, in whose bosom the last

spark of grace has not been extinguished. Such, it is possible, there may be who are willing to glory in their own shame and to triumph in the disgrace which they are permitted to heap upon this nation. But, thank Heaven! they are comparatively few. The great majority of the American people see this subject in its true light. They have hearts of flesh in their bosoms, instead of hearts of stone; and every rising and setting sun witnesses the smoke of the incense from the thousands and tens of thousands of domestic altars ascending to the throne of grace to invoke its guidance and blessing on your councils. The most undoubting confidence is reposed in this tribunal.

"We know that whatever can be properly done for this unfortunate people will be done by this honorable court. Their cause is one that must come to every honest and feeling heart. They have been true and faithful to us, and have a right to expect a corresponding fidelity on our part. Through a long course of years, they have followed our counsel with the docility of children. Our wish has been their law. We asked them to become civilized, and they became so. They assumed our dress, copied our names, pursued our course of education, adopted our form of government, embraced our religion, and have been proud to imitate us in every thing in their power. They have watched the progress of our prosperity with the strongest interest, and have marked the rising grandeur of our nation with as much interest as if they had belonged to us. They have even adopted our resentments, and in our war with the Seminole tribes, they voluntarily joined our arms and gave effectual aid in driving back those barbarians from the very State that now oppresses them. They threw upon the field in that war, a body of men who proved, by their martial bearing, their descent from the noble race that were once the lords of these extensive forests—men worthy to associate with the 'lion,' who, in their own language, 'walks upon the mountain tops.'* They fought, side by side, with our present Chief Magistrate, and received his repeated thanks for their gallantry and conduct.

"May it please your honors, they have refused to us no gratification which it has been in their power to grant. We asked

* The Indian designation of their chieftain Ridge.

them for a portion of their lands, and they ceded it. We asked again and again, and they continued to cede, until they have now reduced themselves within the narrowest compass that their own subsistence will permit. What return are we about to make to them for all this kindness? We have pledged for their protection, and for the guarantee of the remainder of their lands, the faith and honor of the nation; a faith and honor never sullied, nor even drawn into question till now. We promised them, and they trusted us. They have trusted us: Shall they be deceived? They would as soon expect to see their rivers run upwards on their sources, or the sun roll back in his career, as that the United States would prove false to them, and false to the word so solemnly pledged by their Washington, and renewed and perpetuated by his illustrious successors.

"Is this the high mark to which the American nation has been so strenuously and successfully pressing forward? Shall we sell the mighty meed of our high honors at so worthless a price, and, in two short years, cancel all the glory which we have been gaining before the world, for the last half century? Forbid it, Heaven!

"I will hope for better things. There is a spirit that will yet save us. I trust that we shall find it here, in this sacred court, where no foul and malignant demon of party enters to darken the understanding or to deaden the heart, but where all is clear, calm, pure, vital and firm. I cannot believe that this honorable court, possessing the power of preservation, will stand by and see these people stripped of their property and extirpated from the earth, while they are holding up to us their treaties and claiming the fulfilment of our engagements. If truth and faith and honor and justice have fled from every other part of our country, we shall find them here. If not—our sun has gone down, in treachery, blood and crime, in the face of the world; and, instead of being proud of our country, as heretofore, we may well call upon the rocks and mountains to hide our shame from earth and heaven."

The fate of this application is well known. The court decided the preliminary question—that of the jurisdiction,—against the complainants. The opinion was carefully prepared by Chief Justice Marshall, and was delivered manifestly with regret. "If courts were permitted"—said he—"to indulge their sympathies,

a case better calculated te excite them can scarcely be imagined. A people, once numerous, powerful and truly independent, found by our ancestors in the quiet and uncontrolled possession of an ample domain, gradually sinking beneath our superior policy, our arts and our arms, have yielded their lands by successive treaties, each of which contains a solemn guarantee of the residue, until they retain no more of their formerly extensive territory than is deemed necessary to their comfortable subsistence. To preserve this remnant, the present application is made." The question of jurisdiction was one upon which Mr. Wirt, from the first, entertained doubts, but his opinion in favor of it was confirmed by the high authority of Chancellor Kent and other eminent lawyers. The Chancellor's opinion was read in the discussion of the case; it was carefully studied and strongly pronounced. In the Court, the decision was not unanimous:—Judges Thompson and Story dissented. But amidst these conflicts of opinion, the Cherokees were defeated.

Few persons, at the present day, will lament this defeat. It opened to the tribe a better destiny. The fervor of the orator is but an imperfect gauge of the wisdom of the statesman. For the sake of the instruction it imparts, it is often worth the labor to compare the glowing prophecies which are uttered in the inspiration of a heated fancy, with the subsequent revelations of time. Mr. Wirt's impassioned peroration, which we have just read, affords an example that may be studied. Neither have the Cherokees been "blotted out from creation," nor has "the honor of the American name" forever perished. I have before me the last report of the Indian agent, upon the condition of the Cherokees, in their home beyond the Mississippi—the report of 1848. "The Cherokees"—he informs the Government—"are in a prosperous condition, so far as agricultural pursuits are concerned. Many of them have large and extensive farms under good fences and well cultivated. Peace and order prevailed (in their council at Tahlaquah, the seat of government) to an extent not very common in legislative bodies, and I hesitate not to say, that, if the different parties were again united so as to confide in each other, they are as capable of managing their own affairs, in a territorial or state government, as most people are in a territorial or new state government.

"With regard to the females, they are generally industrious and very neat in their household affairs. You generally find them neatly and fashionably dressed in home-made clothes of their own manufacturing. In passing through the country, the wheel and the loom are frequently the first sounds that greet your ear.

"With regard to the progress of religion and literature in the Cherokee Nation, I am advised that I may readily set it down, that, in each, there has been at least an improvement of ten per cent. from the last nine years report. The two seminaries are in progress of building. The following branches of education have been taught:—spelling, reading, writing, arithmetic, geography, grammar, natural and mental philosophy, algebra and composition. Many of the scholars made good progress in their studies, and, at the public examination, acquitted themselves much to their own credit and the satisfaction of a large number of spectators comprising some of the leading men of the nation, among whom was the acting principal chief and one or two members of the legislature."

This is a promising picture, and may somewhat reconcile us to the wrongs of which we have given the history.

The following extract from a letter of this period calls us back to the domestic life of the subject of our Memoir. It has a plaintive note of deepest distress.

TO JUDGE CARR.

"BALTIMORE, March 23, 1831.

"I owe you several letters, my dear friend; but you are kind and can allow for my situation. I have had such a winter as I never had before. Heavy causes to argue, with a broken heart and exhausted strength,—when, at every step, I felt far better disposed to lie down in the grave. It was not in such a frame that I could address you. Even now, I am unfit to write. For to me, the heavens are hung with mourning and the earth covered with darkness. The charm of life is gone. I look at my beloved wife and my still remaining circle of affectionate children, and my heart reproaches me with ingratitude to heaven. I have been too blessed for my deserts. *The selection of the victim is too striking to be misunderstood.* There is a better world, of which I have thought

too little. To that world she is gone, and thither my affections have followed her. This was heaven's design. I see and feel it as distinctly as if an angel had revealed it. I often imagine that I can see her beckoning me to the happy world to which she has gone. She was my companion, my office companion, my librarian, my clerk. My papers now bear her endorsement. She pursued her studies in my office, by my side—sat with me, walked with me,—was my inexpressibly sweet and inseparable companion—never left me but to go and sit with her mother. We knew all her intelligence, all her pure and delicate sensibility, the quickness and power of her perceptions, her seraphic love. She was all love, and loved all God's creation, even the animals, trees and plants. She loved her God and Saviour with an angel's love and died like a saint."

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CHAPTER XVIII.

1831.

POLITICAL LIFE.—MR. WIRT APPOINTED A DELEGATE TO THE BALTIMORE CONVENTION.—MEETING OF THE ANTI-MASONIC CONVENTION.—MR. WIRT NOMINATED BY THEM AS A CANDIDATE FOR THE PRESIDENCY.—HE ACCEPTS THE NOMINATION.—HIS VIEWS OF THE CANVASS.—THE NOMINATION OF MR. CLAY.—LETTERS FROM MR. WIRT TO S. P. CHASE AND JUDGE CARR.

In this period of his deepest distress,—it occurs, singularly enough, in the history of Mr. Wirt,—he was invited to become an active champion in the political field. Now just verging upon sixty, his ambition lulled into rest by the fruition of high public honors, his distaste to political life rather increased by long and toilsome service, his heart turned away from worldly things by domestic affliction, his mind turned to heavenly thoughts by the inspiration of the most religious influences—singularly enough it occurs, that, in such a time and in such a mood, he was forced by circumstances into a position which, all along throughout life, when the motives were a thousand fold more cogent to compel his consent, he had pertinaciously avoided. Preparations were now on foot for the Presidential canvass of 1832. A National Convention of the opponents of the Administration was to be held in Baltimore, in December 1831. They were to nominate a candidate for the Presidency. A general expectation, amongst those who were to be represented in this Convention, was already directed to Mr. Clay as the opponent of General Jackson, who, it was now understood, in spite of the pledge given by him to the contrary, was to be a candidate for a second term. The Whigs of the congressional district in which the city of Baltimore was, in part, embraced, had expressed their wish that Mr. Wirt would represent them in the Convention. In a letter of the 22d of May, to Judge Carr, we have his own account of the application to him.

"We are, you know,"—he writes—"to have a great National Convention here in December, and I have been asked to represent this district in it. Now, I hate politics, and can never be a party man—much less a party leader—for 'I trust I have a good conscience;' and, in these times I doubt the practicability of a politician possessing such a blessing. Besides, I have not the nerve to bear the vulgar abuse which is the politician's standing dish. I have kept myself in comparative peace, by avoiding politics; and in my old age I feel a most vehement repugnance to the turmoil to which I am invited. But they ask me if I have no concern for my country. * * * I have said, that if the people wish me to go to the Convention in December, I will go and utter their sentiments—that is, *as at present advised*, reserving to myself further time for consideration. At present, I think Clay the soundest amongst the candidates, and that he will make a good President.

"—— What do you say to it all?—first, as to the policy of such a Convention; and second, of my going into it? My friends here talk of making it a stepping stone to the Senate of the United States. But what do I care for the Senate? I am rather too old to start now, for the first time, on such a course, and have neither speed nor bottom for the race. Yet, if I could see that public good would come of it, I do not think I could properly refuse. Do you suspect that there is any lurking ambition under this? If there be, it is too deeply concealed for my own discovery."

In due time he was chosen to be a member of the Convention, and accepted the trust.

A very unexpected incident soon afterwards followed this; and, as it threw him into a position of great notoriety throughout the whole Union and involved him in a very heavy political responsibility, it is proper that I should speak of it somewhat at large.

The approaching contest for the Presidency greatly interested the Whigs,—or, as they were called at that period, the National Republicans. General Jackson, it was announced, was already understood to be the candidate of his own party. The opposition, in different sections of the Union, had variously directed their views to Mr. Clay of Kentucky, Mr. McLean of Ohio, and Mr. Calhoun of South Carolina. Amongst these, Mr. Clay

was the most prominent. His nomination was, therefore, looked to as almost certain.

During the few years immediately before this date, the Anti-Masonic party had grown into considerable strength. The abduction of Morgan, and the extraordinary proceedings which followed it, had produced a remarkable excitement, especially in the Northern and Western States. It is a curious history which will ever occupy a notable page in the annals of the time, and is too well known to need repetition here. Like other exciting topics which have taken hold of the public mind in this country, it led to the organization of a distinct political party. The zeal to destroy Masonry rose above all other subjects of public concern; and a large body of respectable and judicious men were found, in several States, who were willing to forego all the ordinary inducements to the old political organization and to embody themselves into a party to accomplish this one object. The most intractable of all men are those whose minds are engrossed with one idea. An idea just in itself, useful to be promulgated and finally to be incorporated in the policy of the nation, may easily be magnified into proportions altogether incongruous with the place it should hold in a system of either public or private morals. If the greatest abuse is only to be corrected by the surrender or neglect of all other useful and essential principles of policy or conduct, wise men will always reflect and determine, before hand, whether the good to be achieved is worth the sacrifice. An enthusiast will not halt for this consideration. The topic that is nearest to his contemplation will sometimes obscure the greatest subjects that stand behind it, as the disc of a button, near the eye, will shut out the view of half the firmament.

The day of political agitation upon Anti-Masonry has now gone by. The excitement naturally soon wore out itself and its subject. We may wonder, after this lapse of time, that intelligent and acute men could have ever persuaded themselves that it had a base broad enough upon which to build up a party:—that the manifold interests of a great country, its trade, commerce and general industry, its finance, its development through the thousand channels of public administration, its party alliances, its ambitious strifes and its multiform pursuits could all be reduced into subordination to the purpose of extirpating Masonry by political

action. There were, nevertheless, able, virtuous and gravely-thinking men who entertained such an opinion, and devoted themselves to the duty of accomplishing this labor. We cannot say they were statesmen. It has been customary, amongst many well-intentioned people, to decry the practised and experienced public men of the nation, as hackneyed politicians; and to teach the country to believe, that a long conversancy in the knowledge of state affairs is rather a disqualification to him who possesses it, rendering him unfit to counsel and unworthy of trust. There are too many who suppose that political experience is a vice, that familiarity with the conduct of government is but the nurse of selfishness, and that patriotism cannot consist with the best accomplishments of a statesman, earned in a life of service and study. No hackneyed politician, no practised statesman conversant in the nature of a people and government, would have ever conceived the purpose of superseding all other parties by a new one formed upon the single basis of opposition to Masonry;—none, certainly, but such as might hope to promote some personal end for themselves in the achievement. The lecture room, the pulpit, the theatre and the press, might effectively take cognizance of such a subject; but not a Government, which does its work by Secretaries of State and of the Treasury, by Navies and Armies, by Judges and Marshals, and by Committees of Ways and Means and Committees of Commerce.

This Anti-Masonic party, it was said, at the period to which we refer, supposed themselves able to command a vote of half a million in the country. Sincere and zealous in their purpose, unquestionably honest and patriotic in all that they contrived and intended to do, and, as I have already said, intelligent, thoughtful, and able in the general complexion of the men at their head, they had arranged a Convention of delegates to be chosen from the several States, who were to meet, by appointment, in Baltimore in September,—more than two months before the meeting of the other Convention,—to select a candidate for the Presidency.

In pursuance of this arrangement, a large body of delegates assembled in Baltimore, about the 25th of the month. It was distinguished for its talent, and for the weight of character which it presented. It was looked upon with a curious and deep interest throughout the whole country:—with approbation by many; but

with a settled and stern, though silent, hostility, by that numerous and respectable class of citizens which, in every State, yet constituted the body of the Masonic fraternity. Not one mason in a thousand believed the stories of the New York abduction. Those who did believe it, regarded it as an outrage with which the fraternity could not be chargeable. That fraternity was dignified and illustrated by many of the best and purest citizens in the country, and naturally scorned this deliberate and pre-arranged effort to denounce them as enemies to public order. They looked, therefore, askance at the whole proceeding, with a resolve to make head against it hereafter, when the opportunity to do so should present itself. In political opinion, this Anti-Masonic party were generally ranked amongst the opponents to the existing administration: a large majority of them,—their Anti-Masonry apart—were the political friends of the party which were to meet in Convention in December. Indeed, a general belief was entertained that it was their purpose to act in coincidence with the views of that Convention; and the hope was freely expressed, that the candidate they should nominate might be made acceptable to the delegates of the December meeting; that the two Conventions, uniting on the same individual, would bring a united force into the field against the administration then in power. That this would be the result, was an opinion and an expectation which prevailed both before and after the nomination; and was believed in, almost up to the day of the assembling of the December Convention.

Very much to the surprise of Mr. Wirt, he found, upon the meeting of the Anti-Masonic delegates, that their thoughts were directed to him as their candidate. We have seen that he was already a selected member of the Convention of December, and that he was friendly to the nomination of Mr. Clay. This was well known to the city of Baltimore, and we must presume, also, well known to the delegates there assembled.

On the 28th of September, the Convention tendered to him the nomination for the Presidency of the United States. Mr. Amos Ellmaker of Pennsylvania, was selected by them as the candidate for the Vice Presidency.

On the evening of that day, Mr. Wirt sent a communication to the Convention, accepting the nomination. As this paper explains

the grounds of this acceptance, and forms an important document in an interesting passage of political history, I give it entire, as I find it in the papers of the day.

"BALTIMORE, September 28, 1831.

"At the meeting of the Convention at 8 o'clock this evening, the following communication from Mr. Wirt was received:

"GENTLEMEN:

"The unanimous resolution of the 'National Anti-Masonic Convention' assembled at this place, nominating me as their candidate for the office of President of the United States, at the ensuing election, is an honor very grateful to me, as a proof of confidence from so respectable a body, and quite as unexpected as it is grateful. My pursuits, habits and inclinations, have removed me so far from the political excitements and contentions of the day, and I know so well, from a close personal observation of twelve years, how little of attraction there is in the office of President of the United States, to any man who values his own peace, that it was as far removed from my wishes as my expectations, that it would occur to any portion of my fellow-citizens to present my name to the consideration of my countrymen for that office. Not only have I never sought the office, but I have long since looked at it with far more of dread, than of desire, being fully aware of its fearful responsibilities, and of the fact, demonstrated by past experience, that no degree of purity and intelligence that can be exerted in the discharge of its duties, can protect its possessor from misrepresentation and aspersion.

"Give me leave to add, gentlemen, that one of the last quarters from which I could have anticipated such an honor, is the Anti-Masonic Convention; because, adopting, (too hastily, I am happy to find,) the current rumors of the day, I had supposed that the very principle of your union was a war of indiscriminate proscription against all persons throughout the United States, who had ever borne the name of mason; that you would put in nomination no person who had ever been a mason himself, and who would not, moreover, pledge himself to become a party to such a war of indiscriminate extermination, and wield the appointing power of the office under your dictation; who would not, in short, become

the President of your party, instead of being the President of the United States. I am happy to find that this is an error; for I should have been grieved for my country, to see the rise of any party that should affect to seize upon the reins of government, and, through the agency of an automaton President, to direct its powers to the vindictive purposes of party proscription and persecution; and I should be grieved, for myself, to learn that there had been anything in my life and character that could mark me out as a fit instrument for the execution of such a purpose. I am relieved from both these apprehensions by learning, since your assemblage here, that you have no other object in view than, in effect, to assert the supremacy of the laws of the land; that you seek to disturb no portion of the peaceable and virtuous citizens of our country in the enjoyment of those social rights which are secured to them by their Constitution and laws; but, on the contrary, that the principle which has embodied you, is one of self-defence, in the enjoyment of those rights; that having become convinced by the disclosures made under oath, by numerous and respectable witnesses, in the trials which have been agitating the State of New York, for several years, and by your investigations consequent on those disclosures, that the Masonic Society has become a tremendous political engine, with the power and the disposition to set the laws of the land at defiance, to mark out and sacrifice its victims at pleasure and with impunity, and to silence all individual opposition by the mysterious terrors which it diffuses throughout the community, you have come to the determination to root out this noxious institution, if you can, by the use of all the peaceable, legal and constitutional means in your power; that the most effective means of this character which has presented itself to you, is by the exercise of your elective franchise; that deeming every man unfit for office, who, in accordance with the principles established on the trials in New York, considers his Masonic oaths and obligations as superior to his obligations to the Constitution and laws of his country, you will support no man for any office who holds that principle or adheres to the society whose principle it is; that you consider a man's allegiance to his country his highest earthly obligation, and that no man is fit to be trusted with one of the offices of the country who will permit a doubt to rest on the fact of his allegiance. These, I understand

to be your principles, and I see nothing in them which does not commend them to every man whose mind and heart are sound; for there can be no question among reasonable men, that in a free government like ours, the Constitution and laws are our only sovereign; that the peace, order, prosperity, and happiness of our people depend on the steady, faithful and effectual administration of our laws; that any secret society which, by the force of mysterious oaths and obligations, and by the extent of its combination, seeks to disturb the action of those laws, to set them at defiance, to ride over and control them, to usurp the government, to hold the lives, peace and happiness of society at their mercy and to establish a reign of terror over the initiated and uninitiated, is a political monster as fearful as the Invisible Tribunal of Germany, or the Inquisition of Spain, and ought to be extirpated, without delay, by the use of all the peaceable means which the Constitution and laws of our country furnish. I am further sure that, in our country, it is but necessary to establish the fact of the existence of such a society to insure its annihilation.

"But, gentlemen, although your resolution asks of me no pledges or promises, yet the name and style of the Convention from which it proceeds, *the Anti-Masonic Convention*, may be considered both by yourselves and our fellow-citizens at large, as necessarily involving, by implication, such promises and pledges; and it is therefore proper that I should be perfectly open and candid with you, that there may be no misapprehension between us, and that you may be able to disembarrass yourselves at once, by changing your nomination, if you find that you have acted under mistake in passing this resolution.

"You must understand, then, if you are not already apprised of it, that, in very early life, I was myself initiated into the mysteries of Free Masonry. I have been told by masons that my eyes were not opened, because I never took the Master's degree; but my curiosity never led me thus far—and, although, I soon discontinued my attendance on lodges, (not having entered one even from curiosity for more than thirty years, I believe,) it proceeded from no suspicion on my part that there was anything criminal in the institution, or anything that placed its members, in the slightest degree, in collision with their allegiance to their country and its laws. On the contrary, having been, before my initiation,

assured by a gentleman in whom I had implicit confidence, that there was nothing in the engagement which could affect either my religion or my politics, (which I considered as comprehending the whole range of my duties, civil and religious, and as extending not to the first degree only, but to the whole Masonic order) and being further informed that many of the most illustrious men of Virginia, with General Washington at their head, belonged to that order, and had taken the degree of Master, I did not believe that there could be anything in the institution at war with their duties as patriots, men and christians; nor is it yet possible for me to believe that they could have understood the engagement as involving any such criminal obligations. I have, thenceforward, continually regarded Masonry as nothing more than a social and charitable club, designed for the promotion of good feeling among its members, and for the pecuniary relief of their indigent brethren. I have, indeed, thought very little about it for thirty years. It had dropped from my mind so completely that I do not believe I should have been able to gain admittance into any lodge at all strict in their examinations, where I should have had to depend alone on my memory; and so little consequence did I attach to it, that whenever Masonry has been occasionally introduced as a subject of conversation, I have felt more disposed to smile than to frown.

"Thinking thus of it, nothing has more surprised me than to see it blown into consequence, in the Northern and Eastern States, as a political engine, and the whole community excited against it as an affair of serious importance. I had heard, indeed, the general rumor that Morgan had been kidnapped and very probably murdered by masons, for divulging their secrets, but I supposed it to be the act of a few ignorant and ferocious desperadoes, moved by their own impulse singly, without the sanction or knowledge of their lodges; and, thus thinking, I have repeatedly and continually, both in conversation and letters of friendship, spoken of *Masonry* and *Anti-Masonry*, as a fitter subject for farce than tragedy, and have been grieved at seeing some of my friends involved in what appeared to me such a wild and bitter and unjust persecution against so harmless an institution as Free-Masonry. I have thought, and repeatedly said, that I considered Masonry as having no more to do with politics than any one

of the numerous clubs so humorously celebrated in *The Spectator;* and that with regard to the crime in Morgan's case, it was quite as unjust to charge that on Masonry as it would be to charge the private delinquencies of some professing christians on christianity itself. Thus I have thought, and thus I have continually spoken and written in my private letters to several of my friends. It was not until the period of your assembling here, that on the occasion of a friendly visit from one of your members, and my taking the liberty to rally him on the excessive zeal which had been excited on an occasion so inadequate, he placed before me a detail of some of the proceedings on the trials of the conspirators against Morgan: when, for the first time, I saw the Masonic oaths as established by the testimony both of adhering and seceding masons on the trials in New York. I observed that in one of them (called the Royal Arch) the candidate swears, among other things, that he will aid and assist a companion Royal Arch Mason in distress, and espouse his cause so far as to extricate him from the same, if in his power, *whether he be right or wrong*, and that he will conceal the secrets of a companion Royal Arch Mason given him in charge as such, *murder and treason not excepted;* and in other oaths, in still higher degrees, I also observe that the candidate binds himself to avenge the violated secrets of the lodge by the infliction of death on the offender, and to revenge the wrongs of a brother to the utmost extremity; and the whole mixed up with the most horrible imprecations and blasphemous mockeries of the rites and tenets of the christian religion.

"In the details of the trials in the case of Morgan it became manifest that these oaths are not considered by those who impose and take them as mere idle and unmeaning words; but that they are viewed as solemn obligations which are to be practically enforced, and which in the case of Morgan, there is too much reason to believe, were *tragically* enforced. According to the reports of the details of that trial, as given at some of your former meetings, and given at greater length at your meetings in this city, (at one of which, in common with other citizens, I was present) those oaths are understood *literally*, and *literally* enforced; and, according to the exhibition of the evidence made in those reports, the conspiracy against Morgan was not, as has been

commonly supposed, the act of a few ignorant men alone; but *was engendered in lodges themselves, enforced under their direction, and supported at their expense;* the conspiracy embracing within its sweep, men of all degrees,—men of the learned professions, farmers and mechanics; with too much reason to believe that the secret energy of the Masonic spirit had entered and polluted even the temples of Justice; and with the most demonstrative proof that the persons who had entertained these unhallowed oaths, considered their allegiance to the lodges as of higher obligation than their allegiance to their country. *If this be Masonry,* as according to this uncontradicted evidence it seems to be, I have no hesitation in saying, that I consider it at war with the fundamental principles of the social compact, as treason against society, and a wicked conspiracy against the laws of God and man, which ought to be put down.

"But gentlemen, this was not and could not be Masonry as understood by Washington. The thing is impossible. The suspicion would be parricide. Nor can I believe that in the quarter of the Union with which I am best acquainted, intelligent men of high and honorable character, if they have been drawn in to take these shocking and impious oaths, can consider them as paramount to their duties to their God and their country. It is true that after the practical exhibition of Masonry which we have had in New York, no man of common prudence can sleep over these discoveries, and will take care in every case of doubt to enquire. But both justice and prudence demand discrimination; for the powers of a President ought not, in my opinion, to be prostituted to the purpose of a blind and unjust proscription, involving innocence and honor with guilt and treason; and no man is worthy of a nomination to this high office, in whose judgment and patriotism confidence cannot be placed to make the proper distinction between them. In the view of all honorable men he would deservedly become an object of disgust, if he could stoop to commit himself by any pledges, in a case like this, as the price of his nomination.

"If, with these views of my opinions, it is the pleasure of your Convention to change the nomination, I can assure you very sincerely that I shall retire from it with far more pleasure than I should accept it. If, on the contrary, it be their choice to abide

by it, I have only to add, that, in a government like ours, I consider no citizen at liberty to reject such a nomination by so respectable a body, upon personal considerations.

"Be the final determination of your Convention what it may, I shall ever retain a grateful sense of the honor conferred on me by this nomination, and I beg the Anti-Masonic Convention to accept the assurance of my respect for them and their cause. I do not address them as a party, because I understand the principle of their union to be to assert the supremacy of the laws; which I trust is and ever will be the sacred and immutable principle of our common country.

WM. WIRT."

This letter was received with entire approbation by the Convention, and a resolution was therefore adopted, recommending "to their fellow citizens throughout the United States, a cordial and vigorous support of Mr. Wirt at the next election, as the Anti-Masonic candidate for the office of President of the United States."

In the extracts from the letters which will be seen in the following pages, we have some insight into the feelings which this political movement excited in the mind of him who was thus brought into this conspicuous position.

TO JUDGE CARR.

BALTIMORE, September 30, 1831.

MY DEAR FRIEND:

"I send you a printed paper by which you will see that I have been drawn into a political scrape, which has taken me as much by surprise as if a thunderbolt had dropped at my feet in a clear day. It came upon me so suddenly, that I had no time to consult you and Cabell, nor, indeed, even a friend in this city. For the nomination was handed to me about one o'clock day before yesterday;—and it was intimated to me, that it would be a great accommodation to them if they could receive my answer by four or five o'clock that evening. I had, therefore, to place my daughter C. by my side, and write as hard as I could gallop, she copying after me. I was aware, an evening or two before, that such a

thing was in agitation, and might possibly take place. I surveyed the ground, therefore, as rapidly and strongly as I could, with as firm a determination to do my duty as I could command, considering the constitutional repugnance I have always felt to such a *mêlé*. I am afraid you may think I have acted imprudently; but I know you will not think that I have acted consciously wrong. I have kept aloof all my life, from such affairs, and would have blessed my stars if I could have been let alone now. But the members of the Convention, who were gentlemen of the first respectability, urged upon me their right to put me in nomination, and to command the services of any citizen, and told me that, as a patriot, I could not refuse; that they could not support Mr. Clay; and that with the Anti-Masonic strength, now five hundred thousand votes and increasing, they believed they would be able to carry the election of their candidate—if not now, certainly at the next election; that, if my reluctance arose from any hope of the possibility of Mr. Clay's election—that was impossible; his friends must know he could not unite the opposition to General Jackson.

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"I have counted the cost. I desire only that my friends should understand this matter, and should not condemn me. I wished the election of Mr. Clay. My preference was declared both publicly and privately.

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"With regard to the chance of my striking the people of the United States, at large, as a proper person for the office, it is a question of which I have great doubts. They do not know me, and will not be apt to feel much interest for so entire a stranger. Nor, if they did know me, do *I know* it would make the matter better.

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"The nomination is so unexpected to the whole community, that I am sure it will produce a strong sensation at first, both adverse and propitious, as it encounters different elements. I shall make enemies of many who have been friendly or neutral, shall be ridiculed as presumptuous, charged with having deserted my party, or having attempted to place myself at its head by a stolen march. I shall be laughed at, abused, slandered. For all

these things I have a remedy in the peace of my own conscience and, I believe, in the approval of my God. It is a perfectly new move on the chess-board to intriguing politicians of all parties, and must perplex them at first. In such a matter people cannot be perplexed without exasperation. It is no move of mine, however,—so that if it be deep and puzzling, the credit is not with me. I believe it to be perfectly simple and honest. If I did not believe it so, I certainly would have nothing to do with it. I have been and still am friendly to Mr. Clay, but '*amicus Plato, magis amica Patria.*' I have done what I think right, and, so thinking, it is right to me. Nor shall I be drawn in, *Deo adjuvante*, to any thing, in the farther progress of the contest, for which you, my virtuous and beloved friend, shall blush. The character which I have gained is too dear to me to be sold for earthly honors; and I trust I have a higher view, the approval of a God of infinite purity and holiness, to whom, I know, I am to account—perhaps before this contest be settled.

"The disappointment of those who have nominated me would be my gain, so far as peace and quiet are concerned. I shall be as calm as I can, and take the lashes as patiently as Hudibras' horse."

The following from a letter addressed to a warm personal and political friend, affords some additional facts connected with the nomination. The extract which is here given, it is proper to premise, forms part of a narrative of the particulars of a private interview between Mr. Wirt and one of the leading members of the Convention. In this interview he endeavored to turn the attention of the Convention to Mr. Clay, hoping that they might be induced to nominate him. From this point the narrative proceeds:

TO SALMON P. CHASE.

BALTIMORE, November 11, 1831.

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"Considering the strength of their party (the Anti-Masons) and the rapidity with which it was increasing, I saw at once that unless we could secure their nomination for Mr. Clay, we could not elect him.

"Mr. Clay was the choice of my district, and I had been deputed by it as a delegate to the National Republican Convention, whose object I understood to be to confer on the selection of a suitable candidate, giving the preference to Mr. Clay, if found that he would be strong enough to displace General Jackson; and if not, to prefer any one else who could secure to us that result. I, therefore, lost no time in sounding this gentleman with regard to Mr. Clay. He said that he believed the Convention would have nominated Mr. Clay, if he had responded to a call which had been made upon him on the subject of Masonry, and had come out, on that subject, as Mr. Rush had come out. I asked him, how it would be possible for Mr. Clay, situated as he was before the public, to come out in such a way, without subjecting himself to the most invidious constructions? I added, that he would be charged with having renounced his Masonic fraternity, for the sordid purpose of buying up their nomination; that he would disgust, by such a course, every virtuous man in the community; and that his enemies would not fail to revive against him the old cry of bargain and corruption, under which he had already suffered so much and so unjustly.

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"Having broken the subject, I pressed Mr. Clay upon him, by every topic of persuasion and argument that my ingenuity could suggest, and with all the ardor and even enthusiasm any of the most devoted friends of Mr. Clay could have employed. I continued to press him, until he told me, with a smile, that it was perfectly in vain to talk of Mr. Clay.

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"He said I knew nothing of the principles of Anti-Masonry; and, as soon as I did, I would see, at once, the utter impossibility of bringing the Anti-Masons to think even of Mr. Clay. That in Pennsylvania, many of them, and, perhaps, the major part, were originally and still Jackson men, and, Anti-Masonry out of the way, would return to Jackson. That it was absurd to think these men would leave Jackson because he was a Royal Arch, and unite on Mr. Clay who was a High Priest.

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"Mr. Clay, then, out of the way, I was most anxious that the Anti-Masonic nomination should have lighted on Mr. McLean, and

labored the point not only with P—— but also with other members of that body who came to visit me. Mr. McLean's refusal of the nomination had not then been received. It came, however, in time to operate, I have no doubt, materially upon their ultimate decision.

"When S—— first hinted to me that they were thinking of me, I begged him, with a sincerity of which God is the best judge, not to think of it: assured him that I had no desire for the office; that my ambition did not lie in this direction;—that I was happy in my family, prosperous in my profession, contented with my situation; that I did not know how to electioneer, had no taste for the business,—on the contrary, despised it. That if they wished to succeed they should look to some one who could bring them an accession of strength. That Judge McLean could do this,—I could not. When, in spite of all my efforts for others and all my remonstrances against my own nomination, they insisted on their *right* to nominate whom they pleased, and appealed to me, as a patriot, to accept the nomination—what was I to do?

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"The Convention was one of the most respectable assemblies I have ever seen, either in a legislative or any other character. The Chief Justice of the United States (Marshall) and several other gentlemen, myself among them, were invited to attend a reading of some of their reports; and never have I witnessed the display of more talent and dignity on any occasion.

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"You have now the whole case before you, and I thought it due to the friendship you have always professed for me, to state it at large. I will not embarrass you with the question, whether you approve my course or not. It is enough for me, that my own conscience approves it, and that I do not believe it is condemned in Heaven.

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"I am perfectly aware, with you, that I have none of the captivating arts and manners of professional seekers of popularity. I do not desire them. I shall not change my manners; they are a part of my nature.—If the people choose to take me as I am—well. If not, they will only leave me where I have always pre-

ferred to be, enjoying the independence of private life. They may make some rents in my garments in the meantime, but they will make none, I hope, in my peace of mind."

This is, certainly, not the letter of a politician. All who knew Mr. Wirt will readily believe that every sentiment, uttered in this extract, came from the bottom of his heart and breathed nothing but truth. It will be regarded as a singular passage in the life of a public man; and although it shows one all unpractised in the tactics of political ambition, it cannot but inspire a deep regret that a man of such a mould should not have been advanced to that eminent station from which his virtues would have became illustrious examples, and his deportment a study for the imitation of his fellow-citizens.

There were many persons in the country, and particularly in that section where Mr. Wirt was best known, who, having no connection with the party or the question which brought him before the public, were yet eagerly anxious for his success in the election. Regarding him as a pure and safe guide, a truthful man, a sincere lover of his country, and as gifted with the highest endowments both of mind and soul, they would have rejoiced to see him invested with the honors and command of the Chief Magistracy. By all this class of persons it was hoped, that when the Convention of December should meet, they would find it expedient to adopt Mr. Wirt as their candidate, and thus secure a union with that Anti-Masonic party, whose secession from their former political friends had almost fatally impaired the strength of the main body of those who were now to confront the popularity of General Jackson. It was sufficiently apparent to every observer, whose mind was not heated by the topical enthusiasm of Anti-Masonry, that that party, in its insulated position, had only strength enough to defeat the opposition to the administration, without being able to succeed itself. It could mar, but it could not make. It seemed to be almost equally clear, that the party to be represented in the December Convention, thus shorn of a portion of its force, could hope for success only upon the basis of a coincidence in the nomination with the Anti-Masons. Mr. Wirt was a centre upon which this combination might have been made. His principles had already satisfied the Anti-Masons, and the Convention of December could have found nothing to object to his political rela-

tions with them. Upon these grounds, many desired to see him adopted by the second Convention. There were others who thought that he would, eventually, resign his nomination in favor of the candidate of the December Convention; believing that his influence would carry the Anti-Masons to the support of that nomination. It is very obvious, that such a move, on his part, would have been fruitless;—that it would have only offended the one party without adding strength to the other; in fact, that it would have exasperated many persons against both.

As December approached, all doubts, upon the course which was finally to be taken, were dispelled. Before the Convention met, it was well known that Mr. Clay was to be the candidate—and almost as generally surmised that both Conventions were to be defeated in the election.

In this state of affairs we have another letter.

TO JUDGE CARR.

BALTIMORE, December 5, 1831.

MY DEAR FRIEND:

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"There seems to be no doubt of Mr. Clay's nomination by the Convention here next Wednesday. So be it. In a personal point of view, I shall feel that I have made a lucky escape. —— I told the Anti-Masons that they had rung the knell of my departed peace. I am relieved by seeing that I am likely to be reprieved. It is supposed, I have no doubt, that I shall be mortified by the rejection. How little do they know of me! A culprit pardoned at the gallows could not be more light-hearted. The simile, to be sure, is not altogether to my mind, any more than Corporal Trim's was to Uncle Toby's; but there is no small resemblance in the buoyancy of the feeling. As to the abuse I am to expect for having permitted my name to be offered, I do not expect much: but if it comes,—let it come! My happiness does not depend either on the censure or applause of the vulgar. No man, whose good opinion is worth a wish, shall doubt the purity or disinterestedness of my motives.

"It has been suggested to me by a clergyman, that the Presbyterians are thinking of coming to my aid. I belong to their

church. They are said to number a hundred and twenty thousand votes. My advice to them is, to stick to their religion, and not to sully it by mixing in political strife. They will make more hypocrites than christians by such a course. This is bad advice as a politician, but sound as a christian. When I say bad advice as a politician, I mean with regard to the particular occasion and the success of my election;—for it is throwing away so much support which, I believe, my wish would command. But on high political ground it is also sound. For the church and state should be kept separate, and religion should not be made a test for political service. As a christian, I would wish to see the President a christian; for his example might do much good. But it would not do to make it a *sine qua non* in such an office. If otherwise honest and of superior capacity—that should be enough.

"Mr. Chase writes from Ohio, that the delegates to the Convention from that State will come prepared to support me. So White of Florida, thinks of some of them from Virginia—and Judge Spencer of some of them from New York. But I have not the slightest confidence in these things.

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"I tell you, mediocrity is the place for happiness at last—the *aurea mediocritas*. Give me the unpretending cottage in the vale, rather than the castle on the mountain. Oh, had I—not 'a cave on some far-distant shore'—but my plantation in Florida well stocked and settled, with a good house, my wife and children and a few friends around me, how happy would I be 'to daff the world aside!' But I am talking as if I were yet a youth, instead of standing, as I do, on the brink of eternity. 'Are we not here to-day,—and gone—to-morrow?'

"I have just read the President's Message. It is supposed to be from Livingston's pen. He writes well, and it is a well-concocted dish. If the Government was to be administered by messages, we should do well enough. But saying and doing are two things. These messages have become mere popularity-traps. What a varnish have we here of a sepulchre full of corruption! Nothing was ever more unlike than the picture and the reality—the outside and the inside. How is the treatment of the poor Indians white-washed! And the paragraph relative to the amendment of the Constitution for the restriction of the Presidency to

a single term, and the non-appointment of members of Congress to office—was ever any thing more incongruous with the practice! The President acts as if he supposed the Constitution *enjoined* a double term and the appointment of members, and as if he required a constitutional *prohibition* to prevent him from doing what he declares to be wrong in principle. The Constitution leaves him free to practise upon his own principles,—why does he not do it, if he deems them so sacred and vital to the public purity and happiness?—But we are to be blessed with his fair words and foul weather for another term."

CHAPTER XIX.

1832.

HIS ILLNESS.—HIS DESIRE TO WITHDRAW FROM THE PRESIDENTIAL CANVASS.—LETTER TO JUDGE CARR ON THIS SUBJECT.—TRIAL OF THE CHEROKEE MISSIONARIES, WORCESTER AND BUTLER.—THEIR APPEAL TO THE SUPREME COURT.—DECISION IN THEIR FAVOR.—COURSE OF GEORGIA ON THE SUBJECT.—FAMILIAR LETTERS.—THE CHOLERA.—LETTERS TO JUDGE CARR.—LETTER TO LOMAX, EXPLAINING MR. WIRT'S MOTIVES IN ACCEPTING THE NOMINATION.—THE ELECTION.—MR. WIRT DEFEATED.—DIFFICULTIES OF HIS POSITION IN THE CONTEST.

A VERY severe illness, during which, for a time, his life was thought to be in peril, had confined Mr. Wirt, for some weeks, at the close of the last year and the beginning of the present, to his bed. It was an attack of erysipelas, produced by cold. His constitution had become visibly impaired, of late years, by the frequent access of disease, induced often by his rigorous application to his professional duties. His recent sickness, at this period, it will be seen, did not wholly divert his mind from the solicitude produced by the late nomination. The determination to hazard the fortunes of the election upon Mr. Clay, with the irreconcilable division of the Anti-Masonic party in the field, he regarded as decisive of the result. His strong wish, therefore, in this condition of affairs, was to retire from the contest. The only impediment that stood in the way of this purpose was the difficulty of obtaining the consent of the Anti-Masonic party to the act. We shall find this subject adverted to and discussed in more than one of the letters which I have selected for this chapter.

TO JUDGE CARR.

BALTIMORE, January 12, 1832.

MY DEAR FRIEND:

Be it known to you and all whom it may concern, that on this day, being the first day of the fifth week since I was taken sick, I put on, for the first time, my pantaloons and waistcoat, with my

new crimson, embroidered wrapper from Paris, said to be lined with eider down,—and which looks so regally purplish and crimsonish, that I call it my Tyrian, Sidonian and Phœnician wrapper,—and supported only on my cane, left my bed-chamber, *mea sponte*, and sallied up to the room above me, to see my dear C—— and E——, who are both sick in bed, the former with a sore throat, which I hope is getting well, and the latter, of the same debility which, you may remember, made her so shadowy at the Springs last summer. My wife was up there with them at the time, and started, on opening the door to my rap, as if she had seen a ghost. The girls were greatly amused at the various antics I cut for their entertainment.

And now, having made my boast, I thank you, my beloved friend, in the first place, for your very interesting letter enclosing a copy of your's to Mr. W——. * * I cannot tell you how much I am amused at the simplicity and single-heartedness of your proposal to the Anti-Masons to go over to Clay. I do most devoutly wish they would do it;—but there is no more chance for Clay with the Anti-Masons "than for the Pope of Rome,"—as poor old J—— used to say. I should like to see W——'s answer to your letter;—for it may give me a clue, I am puzzled to find,— that is, how to find my way out of the labyrinth of this nomination, with honor to myself and without any offence to the Anti-Masons. W—— called to see me on his way through Baltimore, and I expressed to him a wish that it were possible for the members of Congress, representing the various interests in the opposition, to unite on some one candidate and give him the whole vote of the opposition. I told him I wished the Anti-Masons to understand that I had no desire for the office of President—that my paramount wish was to see the government rescued out of the hands that now held the reins; and I begged that, in endeavoring to fix on a candidate, they would consider me and the nomination I had received, as entirely out of the question. "That is," said G——, who was present, "that you wish the Anti-Masons to consider you as entirely in their hands, to dispose of you as they please," to which I assented, though, in truth, I wished W—— to understand something more by what I said, to wit:—that, perceiving the object I had in view in accepting the nomination (that of uniting the whole opposition,) not likely to be accomplished, I

should be personally relieved in being withdrawn. The only answer I recollect W—— to have made was, that if the Anti-Masonic party was *dissolved*, there were not Clay men enough among them to touch New York nor Pennsylvania, nor consequently to elect Mr. Clay.—From which it was manifest that he considered it *impossible* for the Anti-Masonic party to support Mr. Clay, and that nothing less than their dissolution could carry any of their members to him and these only the Clay members.

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Clay's friends, I am told, have a project of dissolving the Masonic Lodges in the spring, and thus putting an end to Anti-Masonry, by destroying its antagonist. But the same consequence would follow,—that is, the Jackson men, now among the Anti-Masons, would relapse upon Jackson, not upon Clay, and thus render the election of the latter hopeless. How can Pleasants suppose, that if I *renounce* (as he calls it) the Anti-Masonic nomination, the Anti-Masons will all go in a body for Clay? It proves how extremely unobservant he has been, and consequently how ignorant he is of the rise and progress of the Anti-Masonic party. He seems to suppose that my nomination holds them together and in opposition to Mr. Clay. They rose upon their principle without any leader, and by their principle alone have attained their present formidable size, without the support or assistance of any individual name. I am persuaded that my name has tended rather to retard than to increase their progress. The party not having been formed upon my name, my withdrawal or death would produce no more effect upon them than the fall of a single leaf in October. They would still exist in all their integrity upon their principle, and that principle, of itself, places them in opposition to Mr. Clay. How foolish, therefore, as well as unjust is it, to suppose that my name keeps them banded together, and banded in opposition to Mr. Clay! It would be quite as sensible and just to accuse me of having originated the party. There is not a party in the United States which is so purely a party of principle, in contradistinction to a party of men, as the Anti-Masonic party. * * And it is for this reason that I think they might safely withdraw their candidate for the Presidency, and rest the influence and increase of their party on their local elections.

I cannot conceive a rational or patriotic motive they can have for continuing me in the field. They cannot say that withdrawing me would dissolve or even weaken their party, for this would be admitting it to be so far a party for a man, and having no vital and conservative principle in itself;—which is, certainly not the fact. It existed in full vigor when it had no presidential hoop around it, and shewed its power in the local elections. Why can it not do the same again? And if it can, what utility is there in keeping a presidential candidate in the field? What legitimate purpose of patriotism is answered by it?

The only sensible or reasonable purpose of nominating a man for an office is, the hope of his election;—the only sensible or reasonable purpose of *agreeing* to be nominated is, that the person may be submitted to the consideration of his fellow-citizens for the office. But after this has been fairly done, and the people have given the most conclusive demonstrations that they do not choose the individual proposed, but prefer another, what dignity, what propriety, what decency, even, is there in continuing to press him? The effort becomes ridiculously foolish, and subjects both the candidate and his supporters to the most ludicrous and disagreeable constructions. In my case, I thought I had no right to object to the Anti-Masons proposing me to the consideration of the people for the office of President. Every other chance of uniting the opposition had vanished. This alone remained, and, faint as it was, I considered it my duty to permit the offer to be made. It has been made, and refused. My only motive, therefore, for accepting the nomination is at an end. That motive was an honorable and patriotic one. It justified me in permitting the nomination to be made. But this having been done, the National Republicans having declared against the union, which alone I had in view, I can perceive, as I have said, neither dignity nor decency in continuing the nomination.

It is true, that, when I accepted the nomination, I knew that this state of things might arise. But it is not true that I knew, if it should arise, the Anti-Masons would still persist in the nomination. It never entered into my imagination that they could wish to do so vain and foolish a thing. What end can it answer to themselves? It will only expose their weakness. They cannot carry a single State, except, perhaps, Vermont. They cannot

even organize an electoral ticket to the south of New York, except, perhaps, in Pennsylvania. In such circumstances, what a figure will they and their candidate make in a Presidential contest? It will annihilate them and me too, by the mere force of ridicule. So far, therefore, from advancing their party, by persisting in holding me up as the candidate, my opinion is that they will injure, if not ruin, themselves by it. For what an absurd posture must they exhibit in the result! In the meantime, what a false light am I presented in before the nation? I consented to be nominated for the single purpose of union. This end having failed, my object is at an end, and the only course of consistency is for me to withdraw. If I still remain before the public, I exhibit the appearance of counteracting the very purpose which alone I had in view, and permitting myself to be used as an instrument of disunion. I exhibit the appearance, too, of a sickly vanity and morbid appetite for the office, which is utterly false; for I loathe it, and felt that I was making a personal sacrifice when I consented to be offered for it. And yet I fear the Anti-Masons will not let me off.

It will be said that I accepted without any condition of withdrawing in the event that has happened. But does not common sense imply such a condition, in every such case? Does any man consent to be run for an office for which he knows, at the time, there is no possible chance for his election, and that even the attempt will become ridiculous. What more is the acceptance of a nomination than a consent to be proposed to the consideration of the people for an office, on the calculation that the party *may* be approved and his election carried? But when this has been done, and the people have given the most significant demonstration against the nominee, what inconsistency is there in his wishing to be withdrawn? As to their election for 1836, which they think they will be able to carry, my engagement does not extend to that,—and as to permitting myself to be nominated now as a mere party instrument, to raise the party without any reference to the success of the election, such an idea never entered my mind. I have a great deal more to say—but no room and I am tired.

Yours ever and ever,

WM. WIRT.

The annual session of the Supreme Court had now commenced, and there Mr. Wirt repaired, as soon as his returning health allowed. Amongst other cases of importance in which he was concerned, were those of the missionaries, Worcester and Butler, against the State of Georgia.

These cases constituted but another chapter in the story of the Cherokees.

In the course of the legislation of the State of Georgia against the tribe, an act was passed in December 1830, in which, amongst many other disabling provisions, was that to which we have adverted in a former chapter, forbidding any white person to reside within the limits of the Cherokee Nation, without a license from the Governor of the State and an oath previously taken to support and defend the Constitution and laws of Georgia. The punishment prescribed for a violation of this enactment, was confinement to hard labor in the penitentiary for a term not exceeding four years.

The religious societies of the United States had supplied these Indian tribes with missionary clergy, who having the license of the Federal Government to settle amongst them, had naturally and very justly obtained, as we have remarked, a commanding influence over these people.

In the controversy which existed between the Cherokees and the State of Georgia, the Missionaries were charged with having encouraged the Indians to resist the policy of emigration. A belief in this charge had begotten an angry and exasperated prejudice against them, as the chief contrivers and counsellors of the opposition. It was believed, and perhaps justly, that, but for the Missionaries, the tribe would have yielded to the wishes of the Government, and have gone peaceably to the new home provided for them. The report of the Secretary of War upon this subject in 1828, indeed, expressly charges some imprudences upon them in this respect. "The annual appropriation"—he says,—"has had the effect to draw to almost every Indian reservation, in addition to the agents and interpreters, a considerable number of Missionaries and teachers with their families, who having acquired, principally by the aid of this fund, very comfortable establishments, are unwilling to be deprived of them by the removal of the Indians; and thus we have found, that while the agents spe-

cially employed by the Government for this purpose are engaged in persuading by profuse distributions of money and presents, the Indians to emigrate, another set of government agents are operating more secretly, to be sure, but not with less zeal and effect to prevent such emigration." He adds—

"These remarks are not intended as a personal reflection on the Missionaries and teachers; much less on the pious and respectable patrons of these benevolent institutions who, no doubt, are disposed to lend a ready support to every humane measure which the Government may think proper to adopt in favor of these depressed people; but are rather intended to shew the natural and unavoidable tendency of the system itself to counteract the leading policy of the Government."

This is but another fact to demonstrate the incongruity of the course pursued at Washington, with the obligations which the Government had assumed in reference to the relations of the Cherokees to the State of Georgia. No one, certainly, could censure the Missionaries for the benevolent assiduity with which they devoted themselves to the purpose that had been so strenuously encouraged by the Government through a series of years. That they should take great interest in the success of their labors, form strong attachments to the tribe, regard with complacency the progress of civilization of which they were the agents, and desire to render permanent the beneficent relations of christian pastors to their simple flocks—of teachers and pupils—and to protect them in their homes, was a sentiment too natural and too virtuous, not to disarm, one would suppose, the hostility even of those who suffered most from the effects of the system. The temper of Georgia seems, however, at this time, to have been heated beyond the point to which argument is usually available. The legislation of the day indicates stubborn and even fierce resolve to close the whole controversy, by decisive blows, which should strike down the adversary without further parley.

The enactment to which we have referred was directly pointed at the Missionaries.

Amongst these pastors and teachers of the tribe, was Samuel A. Worcester, a citizen of Vermont, who had been sent to reside amongst these Indians by the American Board of Foreign Missions, and was a resident in the Nation at the date of the passage

of the Georgia act. He resided with the tribe under the permission of the President of the United States. He had no license from the Governor of Georgia, and had not taken the oath required by the act of that State—an oath, incompatible, as he deemed it, with the character of his duties in his station. Elizur Butler and five others stood in the same category.

They were arrested by the officers of the State, indicted and tried in Gwinnett County, in September 1831, and each of them sentenced to hard labor in the penitentiary for four years. After conviction, a pardon was tendered to each, upon conditions of conformity with the policy of the State. Five out of the seven who were indicted, accepted it. Worcester and Butler refused, and took an appeal to the Supreme Court against the judgment which subjected them to this ignominious punishment. The Board of Missions employed Mr. Wirt and Mr. Sergeant to argue the cause. Georgia, as in the former case, refused to appear.

We have no report of the arguments of the counsel in this cause, beyond a brief statement of the points discussed by them. The questions, however, were fully examined, and the speeches are said to have been characterized by all the vigor and ability which belonged to the eminent professional talent employed.

The Court decided "that the act of the Legislature of the State of Georgia, upon which the indictment was founded, was contrary to the Constitution, treaties and laws of the United States"—that the plea of the defendants was a good bar and defence to the indictment, and ought to have been allowed; that the sentence ought to be reversed and annulled;—and that the defendants below be dismissed therefrom.

The opinion was unanimous, with the exception of that of Judge Baldwin to the form in which the record was returned to the Court.

It was said, before this trial, that the State of Georgia would pay no respect to the decision of the Court. It so turned out. The judgment was treated as a nullity, and the Missionaries were still retained in the penitentiary, until the Governor of Georgia thought proper himself to release them.

No further judicial proceedings were attempted. The President of the United States gave but little hope of the favorable interference of the Government in the controversy. The Gover-

nor of Georgia is said to have declared he would rather hang the Missionaries than liberate them under the mandate of the Supreme Court. Nothing was left for the prisoners but to wait for a day of cooler judgment and more moderate counsels. After some eighteen months, this day arrived. The contest had grown hopeless to the weaker party. The Missionaries were released; and here ended this extraordinary chapter in the history of our free Government.

We return now to the more private life of the subject of our narrative, and busy ourselves, once more, with that insight into his mind and feelings which always presents a topic of interest in the study of human character.

In a rambling letter to that friend who more than any other shared his most intimate thoughts,—Judge Carr,—he writes in May—"If I were, as I used to be at Pen Park, with a good deal of time on my hands, with the silence and tranquillity of the country around me, with the buoyancy of youthful feelings, and a brightening world in prospect, to raise and incite me, and with a dear friend, of my own age, at Dunlora,* to read and applaud, I should enjoy it. (In the preceding portion of this letter he intimated a purpose of writing a review, to which this refers.) But alas!—— However, as Byron said, "no whining,—let us be a man to the last!" Yet, in very truth, my dear friend, I am very weary and sick of public life and its affairs—for I am, in some sort, implicated in public life. I am tired of being on a public theatre, gazed at, talked of, written of:—I should have no objection to it, if our country were as it has been. But so much faction, corruption, intrigue, and impenetrable and imperturbable stupidity and infatuation pervading the community, with such a prospect of things becoming worse—that I wish I had a villa in Florida, or somewhere else, to retire to, and beguile the painful hours, as Cicero did, in writing essays, political, literary and religious. I have no enjoyment connected with this earth but in the bosom of my own family and the small circle of dear friends who are yet left to me. If I could get anything like a decent price for my property in Richmond and Washington, and my surplus lands in Florida, I

* The allusion is to Judge Carr himself who lived at Dunlora, it will be remembered, when Mr. Wirt was an inmate of Pen Park.

would settle a plantation for the support of my family, and beat, at last, a retreat from the gaze of public life and public men. For, I confess, I am "a disappointed man,"—not as to personal celebrity, for I have more of that than I deserve—but disappointed in my country and the glory that I thought awaited her;—disappointed, most sadly, in the intelligence and virtue which I had attributed to our countrymen;—disappointed in life itself, which is, indeed, all vanity and vexation of spirit. But, adieu to these *jeremiads!* We have nothing left for it but to do our duty, and leave the issues to Providence. You act wisely, as you always do, in gliding along as peaceably as you can, making the best of everything, and not 'fashing your head' too much about what can't be helped. I wish I could follow your example. But, I believe it is in the constitution, and mine happens to be a little too much of the 'gum taffeta' order. Does'nt Falstaff talk of '*fretting* like gum taffeta?'"

This is sad enough. We shall find his mood brightening somewhat in the sequel. To Mrs. Wirt he writes from Annapolis, in the midst of business, not long after this,—"When shall I ever again be free from the cares and anxieties of life! Never, while I am *in* life, with objects so dear to me as I now possess, and means so precarious. There is one moral truth of which I would make a practical use—that life is but a change of cares, and, consequently, relief from one only gives play to the succession of some other. So 'what's the use of'—laying the present care to heart, whatever it may be? We might as well bear this as its successor. And what are they all but so many insects that teaze us for a moment with their buzzing, and then disappear forever? So, let us up with our mosquito bar, and—'Away with melancholy.' I am unwilling to leave behind me the character of having been a moping, melancholy old hunks. Fie on such a thought—away with it! and

'On the dewy green
By the glowworm's light,'
&c. &c. &c. Allegretto.

"'Tis time for a conference with my colleagues, being now candle light. Whip-poor-will—the first I have heard this year. Not quite equal to the wood lark."

There is still more sunshine in the following, written, again from Annapolis, in June:

"How do you do, my dear wife? Is the rheumatism gone? How does the garden come on, and the canary and the linnet, and the sky-lark, and the mocking bird? And how do 'the bees suck,' and 'the fairies dance,' now, my dear girls? And how do the early rising and the studies go on, boys?—and the flutes, and all that sort of thing? I feel quite excited, and miss you all most exceedingly much. My solitary room and my solitary *siesta* are not to my taste. I want to take my nap in company, as my children always prefer to get their lessons. Apropos, wife, I have not taken one pinch of snuff since I left home, though continually tempted with other people's boxes. I am sometimes truly disposed to reward my conscience for holding out so well. To speak the truth, there is still a considerable titillation around the region of the nostril—but my desire for snuff is so feeble that it scarce deserves a mention. I shall keep aloof, and in about a fortnight more, I suppose I shall be thinking, as I did in Washington when I quitted it once before,—what will become of all the snuff sellers? They will be ruined:—as if all the world had left off snuff because I had. I remember very seriously feeling this compassionate sentiment for Duport & Johnson, the tobacconists. Their prospects appeared to me to become suddenly quite magnificently bright, when I resumed snuff.

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"The world and its enjoyments did not seem vanity and vexation even to Solomon, in the days of his youth;—and so, when *we* were young. There have been many days and weeks in my life, since I first heard this sentiment, when I could not have endorsed it. I fear that we both feel and express it too deeply *now*:—we may tinge with a premature melancholy, the otherwise cheerful and buoyant character of our children. This would be a pity. Melancholy is not a necessary quality of religion. There is enough, indeed, in the wide spread delusions and follies and sins of the world to make us all sad and sorrowful. But 'what's the use,' &c.!—let us strive to take care of our innocence, and do all the good we can, and go on our way rejoicing in Him 'who is mighty to help and to save.'"

These transitions from joy to sadness, manifested in such confidential intercourse as this, furnish an infallible index to the secrets of a mind which but half expresses the griefs it has vainly attempted to over-master. It is a strange thing to contemplate—this fellowship of sorrow and mirth in such intimate alliance.

This year, 1832, was the year of the cholera in the United States. It appeared in Quebec in May and June, had reached New York in July, and Baltimore in August. Mr. Wirt's health was still feeble. During the hottest season he visited Bedford Springs in Pennsylvania, and went from thence to Bath, in Morgan county, Virginia. Here, with all his family around him, he spent the greater part of September, waiting for the day when his physician should inform him he might safely return to Baltimore, without apprehension from the prevailing pestilence which, during a portion of that month made great havoc in the city. From this point we have the following letter:

TO JUDGE CARR.

BATH, August 22, 1832.

MY DEAR FRIEND:

In the Parthian shot you gave me on your departure from Richmond, you did not tell me where an answer would find you. * * * I have been at the Bedford Springs, not to run from the cholera, but because it seemed to be thought that I must make an excursion somewhere, and my children, who were to accompany me, wished to see that place. * * With the aid of a barouche, a baggage wagon and three saddle-horses, we got along pretty comfortably. We reached this place yesterday.

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I have not your last letter and cannot recall all its topics, but I remember N—— had led you to believe I was desponding and weary of life. I am not conscious of this. N—— was apologizing for not having called to see me, in Richmond, by the sickness of a child which he lost, and expressed himself with a countenance and a voice so sad, that it touched the responding chord of my own griefs. I spoke of the insignificance of life, I dare say, gloomily enough; but N—— had no more right, from such

an incident, to suppose it my general habit, than I had to suppose it to be his.

I am not a croaker, my dear friend,—at least, not an habitual one. I do not think it either philosophical or christian to quarrel with life. Our Maker has placed us here, and it is our duty to act well our parts and leave the issues to Providence. I believe I am quite as cheerful as men of my age generally are,—I mean reflecting men. Recklessness sits well upon no one at this time of life, except our friend Pope, who is, and will remain a constitutional evergreen—a fall-blossom even on the ruggedest cliffs of life, like the mountain ivy on the precipices beyond Clever-dale. So, don't think me such a milksop as you seem to do. Does any man who is approaching sixty consider life and the world as he did when he was young—when hope and fancy threw their colors all around us? Fancy has only played me the same trick, with regard to the world and life in general, as she has done in every particular scene of it. I have been always expecting more, both from people and things, than I have realized, because I expected romantically and not rationally. It is the proper chastisement for an excessive imagination. It balances the account of human happiness between the imaginative and the unimaginative. The first derive a great deal of visionary pleasure from anticipation. The latter are without this pleasure, but then they are free from the pains of disappointment. They derive a quiet, equable pleasure from the incidents of life, unalloyed by overwrought expectation. I have been one of the sanguine in my youth, and it must be allowed me to have an additional groan or so, under the discipline of experience and that rough aspect of "things as they are," which the course of life is continually revealing. But I am not such a driveller as to sit down and cry over my spilt milk and spoiled bread and butter. On the contrary, be it known to you, I can keep as stiff an upper lip as most people. So much for this important affair of *ego*.

Your friend,

WM. WIRT.

When he returned to Baltimore his attention was drawn more pointedly to the election. As the autumn advanced, it became daily more apparent that the division between the National Re-

publicans and the Anti-Masons, had rendered the success of the opposition to General Jackson more than doubtful. There were some persons who believed that General Jackson could not obtain a majority in the electoral colleges, and that, consequently, there was a probability of the election being transferred to the House of Representatives. Judge Carr was one who looked upon this result as within the chances of the canvass, and so wrote to his friend. What Mr. Wirt thought of this will be seen in his reply.

TO JUDGE CARR.

BALTIMORE, October 25, 1832.

I thank you, my dear friend, for yours of the 22d. It is quite cheering to see you so playful and merry in these sad times.

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So—I thought you had dismissed all ideas about the Presidency—all such, I mean, as you throw out in your letter. It will be a strange affair if it should happen. But I have no thought of it. "The game is, certainly, within the power of the dice." But it requires so many fortunate throws in succession, that it would be next to a miracle to win. As for me, I have never considered myself as playing it, or being in the game at all, for my own use or for any public good connected with me since the nomination here last December. I have never believed, since that nomination, that the opposition would succeed. I do not believe it now. They might succeed by a cordial, zealous union,—but it must be cordial, zealous, universal; that is, it must embrace the whole opposition, and they must act with one heart and the spirit of brothers. This they will not do. The late elections in Ohio and Pennsylvania prove it. They may co-operate so far as to make a brilliant fight, and show what unanimity could have done. But I think they will be defeated even in Pennsylvania and New York. Others, who ought to know better, think differently. But I have no reliance on their calculations, since their sanguine predictions of ten and even twenty thousand majority for Ritner,*

* The opposition candidate for Governor in Pennsylvania, who, in this month, was defeated in that State. The State election in Ohio had also just gone against the same party.

and the perfect certainty with which they counted on Ohio. They pretend to tell us that these elections failed for causes not likely to operate on the Presidential contest. I have no faith in these posthumous consolations. Have I seen you since the receipt of those letters which conjured me not to withdraw?

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I will say that our Constitution has had no such trials as it is now encountering, and is likely to encounter in the next four years. According to General Jackson's principles our government is a despotism. His veto doctrines, as illustrated by his practice, virtually annihilate both Congress and the Supreme Court. If the people sustain him in these doctrines, as there is but too much reason to fear they will, what are we to expect in the next four years? If he shall be again elected, after what he has avowed and done, I believe if he were to send a message to Congress telling them that the country had no further occasion for their services, his presses and his corps of mercenary appointees would endeavor to persuade the people that it was a patriotic act, would save a great deal of expense in the pay of members, and that the country would be as well governed without them as with them.

Yet, what a country might this become in the hands of such men as preceded this administration?—a set of men capable of valuing our beautiful and noble institutions; of inculcating their inestimable value on the body of the people; of inspiring a reverence, a love for them among the rising generation; of keeping the people pure and making them feel their own value, and, in their own example, setting the fashion of patriotism, of deep and ardent devotion to the Union, of a noble passion for the true glory of our country and the perpetuation of our free institutions. If we could only have half a dozen Presidents of this cast—nay, if, at this time, we could have one—what a glorious deliverance would it be from the evils that beset us! I should be content to go to my grave praying for it, if I could hope my children would live to see such a restoration of the golden age that we have seen.

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Like you, I have sometimes hopes—not for myself—but for Clay. If he can but lead up the Western States handsomely, and

we can save Pennsylvania and New York from the grasp of the administration, we may bring him in. My opinion is that the election ought not to be permitted to go before the House. If Clay can get the votes he counts on, he ought to be elected by a union in the electoral college. If I can effect this, it shall be done. I have no idea of suffering myself to be thrust before the House of Representatives for their votes, and I will prevent it if I can.

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Your friend,

WM. WIRT.

The Presidential election was held in November. The first news received from Pennsylvania and New York was decisive of the contest in favor of General Jackson. At this juncture Mr. Wirt wrote the following letter to an old friend in Virginia:

TO JOHN T. LOMAX.

BALTIMORE, November 15, 1832.

MY DEAR LOMAX:

* * * * * * *

You will see that your apprehensions have been realized. I thank you, my old friend, for the kind sentiments you continue to cherish for me. But, remember, I never was, and never shall be, an aspirant to the Presidency. I never sought the office, never expected it, never wished it for its own sake, nor my own sake. My name would never have been upon the roll by any movement of my own, nor with my own consent, if it had not been previously ascertained, beyond doubt, that Mr. Clay could not be elected. The bare ascertainment of the fact that there existed in New York and Pennsylvania such a party as the Anti-Masonic, whose principles forbade them to vote for Mr. Clay, put the seal upon his fate. It forbade the possibility of his taking either of these States. Without them, his election was impossible. This simple fact, which my friends have seen and acknowledged within the last six months, was as manifest to me in September 1831, as it is at this moment. It required only common sense acting on common facts, for all to see it who are willing to see it. With the demonstrated certainty before me that Mr. Clay could not be

elected, when the Anti-Masons declared they would put some one in nomination before they adjourned, upon whom they would cast all their votes, whether they could elect him or not. Another thing became equally manifest to me,—that the opposition to General Jackson could not succeed but by the help of the Anti-Masons, and consequently there remained nothing to be done but to give up the field to Jackson or attempt to concentrate the opposition on a single candidate. That candidate could not be Mr. Clay, for the Anti-Masons had declared that they could not, upon principle, support him. To whom then were we to look? Calhoun was placed *hors de combat* by the nullification movement. Adams, Rush, McLean had declined the Anti-Masonic nomination. The Anti-Masons were determined to nominate before they left Baltimore, and would probably have nominated some one to whom the National Republicans could not have gone. It was in this hopeless state of things that the nomination was unexpectedly brought to me, and pressed upon me. It seemed to be the last remaining chance for us, and I accepted it, most reluctantly, because I considered it a public duty to do so.

As soon as I found that the National Republicans would not give up Mr. Clay, but would press him, even with the certainty of defeat before him, my wish was to withdraw. But the Anti-Masons insisted I had no right to do so, and both Mr. Clay and his friends thought it best for him that I should not. They knew, if I did withdraw, the Anti-Masons would immediately nominate some one else, and by attributing my retirement to Clay's influence, would become more hostile to him. Whereas, by my remaining, they believed that some plan of co-operation between the two divisions might be devised which would operate favorably to Mr. Clay—in New York, at least, if not in Pennsylvania. My name, therefore, remained before the public because the Anti-Masons demanded it as a right, and Mr. Clay and his friends thought it best that it should be so. In the canvass I took no part; not even by writing private letters, which, on the contrary, I refused to answer whenever such answers could be interpreted into canvassing for the office. I never expected Mr. Clay's election or my own, from the moment I saw that the opposition would not unite upon either of us. Towards the close of the scene, some appearance of union was presented, both in Pennsylvania and New York, which in-

spired some with hopes;—but I saw the papers on both sides, and knew well that such a growling, mutually-abusing and defying sort of union could end in nothing but disunion and defeat. So it has been. We have lost Pennsylvania and New York, with a majority certainly in the opposition, and several other States in like manner.

I see that General Jackson has been already nominated by one of the northern papers for a third term. My opinion is, he may be President for life, if he chooses.

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I have placed the history of my connection with this subject before you, because I wish my friends to understand the motives by which I have been actuated throughout this affair. Both divisions of our opposition have behaved unwisely. They had the game in their own hands: they have thrown it away by their own dissensions, and I shall probably be censured for having afforded the only possible chance of so uniting the opposition as to have made it successful.

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I remain, my dear Lomax, your friend of thirty-two years,

WM. WIRT.

The result of the election was that, out of two hundred and eighty-six electoral votes which were cast in the colleges, General Jackson, received two hundred and nineteen, Mr. Clay forty-nine, Mr. Floyd, who took the vote of South Carolina, eleven, and Mr. Wirt seven,—these seven being the votes of the State of Vermont.

So ended this canvass,—singularly disproportioned in its results to the promises, rather than hopes, with which it began. So ended it, we must say, happily for Mr. Wirt, since success would have brought him nothing but cares which would have touched with additional sear, a mind now in the yellow leaf, and with which, in physical condition he would have been unable to struggle. To one so thoughtful, so fond of the quiet of domestic life, so sensitive to the disgust of public or private vice, as he, the importunities and incessant collisions of high political station would have been but the daily repetition of intolerable annoyances. His own choice, we may confidently believe, would never have brought

him into this unaccustomed field of politics. The nomination took him at unawares. That it momentarily dazzled his ambition, even unconsciously to himself, I think is apparent enough from the facility with which he persuaded himself to acquiesce. That it brought him nothing but anxiety and disquiet, and that he very soon wished himself rid of it, is equally clear. He found some indemnity for these discomforts in the abundant manifestations afforded by the newspaper press, of the kind and considerate respect which his personal worth attracted even from his political opponents. The press was singularly good natured, and paid an honest tribute to his virtues. Scarcely a word was said to his disadvantage.

The whole of this political episode, which stands strangely out of the general harmony of Mr. Wirt's life, shows how little he was adapted by nature or by education to the sphere of the party politician. Simple and direct in his estimate of duty, courageous in conforming to it, candid, confiding and credulous, all these qualities of his character were successfully invoked by the Convention which conferred upon him the nomination. He accepted it in perfect good faith, and with an earnest persuasion that he was performing a duty of the highest import to his country. He thus suddenly found himself made the centre of a political combination of the strength of which he positively knew nothing, and from whose very constitution, a little reflection would have shown him, it derived no other power than that of mere frustration by dissent. It was a discord in the general politics of the nation. Mr. Wirt vainly hoped that it was to be made an instrument of harmony. More wary and practised statesmen had refused the offer which he accepted. They stood aloof from an engagement, which they foresaw was to lead to an unprofitable division of forces which, marshalled in the most compact array, would have entered the field with but doubtful hopes. Mr. Wirt did not stop to inquire why they had refused. If he had done so, he would have learned what they thought of the practicability and expediency of organizing a party upon an ephemeral question, which had no substantial affinity with the higher operations of government;—which was, at best, but a question of police,—better adapted to the municipal notice of the States than to the sphere of federal jurisdiction. He would have seen that this was but the effervescence of a sudden

discovery, which had heated the minds of some sections of the country, without, in any degree, disturbing the equanimity of the great body of the nation: that men of ardent imagination and temperament had so magnified an abuse of social organization,—a grievous and most flagitious abuse, we admit—as to put its correction above all other duties connected with political administration. It was an abuse which was already corrected. Its discovery was, in itself, a full and absolute correction. It could not possibly recur.

The organization of the party was tainted with another fatal weakness. It was, in its very conception, an exasperation and an offence to a large and respectable mass of upright and intelligent citizens of the country—all that body of masons who were as ignorant of the New York outrage as they were innocent of the principles upon which it was alleged to be justified. Nothing could reconcile them, under any condition of things, to take part or lot in the movement which was now conducted under the name of the new candidate. Not even Mr. Wirt's estimable character, his great talents, his gentle and just nature, could disarm their implacable hostility. The result proved all this. The Anti-Masonic force was insulated, incapable of coalescing with, or attracting others. It was short-lived: a few paroxysms of political effort in subsequent years, were followed by utter dissolution. The country heard no more of Morgan abductions, no more of masonic persecutions. Masons are now inoffensive citizens. The discovery, as I have said, was an effective and ample remedy. Parties of the same kind have been attempted since. Even now, we are not without them. They will sink, like this prototype, into oblivion.

Every one who observed the movement, of which I have given the history, will do full justice to the sincerity and conscientiousness of Mr. Wirt's whole course in reference to it. His most confidential letters, from which I have made extracts, speak the honest truth of a guileless and earnest mind. Happy would it have been for the country, if even this incident had elevated such a mind to the control of its affairs! It is a pleasant subject of contemplation to see such simplicity of character, so unpractised in the tactics of political management, so unskilled in counting the chances of the adventure, so direct in the recognition of public

duty, obeying its own impulse to do what is right. A man of masterly ability, of the highest cultivation of mind and refinement of taste, and of the most unaffected virtue, in such a position is a rare sight in any government. The success of such a man in any, is an index both of social and political excellence to which few nations have ever attained—or, having attained, have long preserved.

CHAPTER XX.

1833—1834.

UNDERTAKES TO MAKE A SETTLEMENT OF GERMANS IN FLORIDA.—MR. GOLDSBOROUGH TAKES CHARGE OF IT.—PARTICULARS OF THIS ADVENTURE.—HOPES OF SUCCESS.—ITS FAILURE.—MR. WIRT'S HEALTH VARIABLE.—A RE-NOMINATION FOR THE PRESIDENCY SUGGESTED.—MR. WIRT'S ANSWER TO THIS.—NULLIFICATION.—LETTER TO CARR ON THE RIGHT OF A STATE TO SECEDE FROM THE UNION.—LITERARY SUBJECTS.—LETTER TO CARR.—ADVICE TO STUDENTS.—CHRISTMAS LETTERS.—MR. WIRT VISITS WASHINGTON.—HIS ILLNESS.—DEATH.—NOTICE OF THIS EVENT BY THE SUPREME COURT AND BY CONGRESS.

Mr. Wirt had now passed his sixtieth year. Many a pleasant vision of future repose had fled from his perspective: many a day-dream of affluence and leisure had vanished. Those fond fancies of rural comfort, which sparkle so pleasantly through his correspondence—the villa, the library, the grove,—

> "Mollia prata, gelidæ fontes, vivoque
> Sedilia saxo,—"

these captivating castles in the air which had haunted his reveries and beguiled his hopes through so many years of toil, luring him with the thought of a happy old age devoted to literature and friendship,—all these had sunk before the sad realities of disease, incessant labor, affliction, public care. Religion alone, the truest guide of life, the sincerest friend of age, made good the promises of youth, and more than accomplished all that it ever led him to hope. There was no disappointment which it did not indemnify, no grief which it did not compose.

Through nearly forty years of devotion to professional life, the greater part of this term holding eminent position at the bar, he had not yet amassed sufficient wealth to render him independent of labor. He had a large family. Of twelve children, eight were yet alive. These had been educated with every advantage which the country could supply. His hospitality was liberal; his expense was necessarily large. A prosperous practice of the

law, under these circumstances, left him no great residue for accumulation. We have already adverted to the establishment of his son-in-law, Judge Randall, in Florida. Mr. Wirt had purchased large tracts of land there, and had long indulged the hope of removing to that region, where, in its genial climate and in the cultivation of its fertile soil, he might enjoy the comforts of a serene old age. His second daughter, Elizabeth, had recently married Lieutenant, now Captain Louis M. Goldsborough, of the Navy—a gentleman who deservedly attracted the warmest affection of the family to which he was allied, and the special confidence and esteem of the father. Upon his advice, Mr. Wirt determined to make the experiment of settling and cultivating his Florida lands with a large number of German emigrants. It is only necessary for me here to say, that the experiment was made at considerable expense, and that it soon proved to be a failure. About a hundred and fifty emigrants were transported to the settlement, where after a brief sojourn, they faithlessly abandoned their contracts and the service they had undertaken to perform. The following extracts from the correspondence of this period, will furnish some amusing and instructive insight to this speculation:

TO JUDGE RANDALL.

BALTIMORE, January 1, 1833.

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"If the project succeeds there will be a safe and ready and peaceful refuge for my family in the event of my death.

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"If I could live to see them comfortably established on their own lands in Florida, life would go out with me as sweetly as a babe sleeps. Do not infer from this that I am in ill health or despondency. I am uncommonly well and quite cheery. My family and friends are surprised at my good looks, but I have had admonitions enough, by my own attacks and by the death of friends, to be anxious to set my house in order.

"I have been uneasy for several years, at your being destitute of churches and ministers of the gospel, and am rejoiced to hear you are, at last, meditating an establishment of that kind. I see

no objection to Episcopalians and Presbyterians uniting in the support of a minister of either church. I am no doctrinarian—but I hope I am a christian. I count all christians, of whatever denomination, my brethren. I would support a Baptist or Methodist, if he were a good christian and a good preacher, as soon as a Presbyterian. Nay, I would support a good Roman Catholic preacher. What christian would hesitate to acknowledge Massillon for a brother? A sincere and humble christian, a true believer, a christian in spirit and in truth, is all that I care for in religion. If to this be added such a knowledge of the English language as will enable the preacher to speak grammatically, and with sensibility enough to clothe his subject with interest and bring it warmly to the heart, I would have all I should demand. But, for so many children to be growing up without ever seeing the inside of a church, or hearing the word of God, or having that most interesting of all subjects impressed on their young hearts, is most afflicting to think of. I can scarcely do so without tears. —— If I lived in the country I would have family prayers every night and morning. It is an appropriate mode of opening and closing the day, and puts the heart in fine tune either for business or peaceful repose. It has so excellent an effect, too, upon children, to see their parents in earnest on that subject of eternal consequence. Whereas, seeing those they so much revere, living without God in the world, is an example of the most awful consequences both to parent and child."

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WASHINGTON, January 29.

* * * "There are many Germans of sober and industrious habits, walking on the Avenue here. They have their wives and children. Many of them are mechanics, carpenters, mill-wrights, bricklayers, &c. How would it do to send a hundred and fifty of these people out, under Louis Goldsborough, to work my lands on shares? Might not such a colony be made profitable? They would have no negroes mixed with them, but would form a settlement of their own. I should have to supply a year or two's provision, with all the stock, tools, &c. Such an establishment has succeeded very well at Lanark, in Scotland,—why should it not do here?

"I am extremely desirous to get out of the gears if I could. It is time I should do so. I have not lived a lazy life, though, under my bad management, it has not been a very profitable one."

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TO MRS. WIRT.

WASHINGTON, January 31.

—— "Here I am waiting for my causes and, meantime, helping Louis with his whaling project—as he calls this German scheme. The whaling voyages, he says, suggested it to him. The only pay the sailor gets in these voyages is, what they call a *lay*—that is, a share of the profits. And yet they are the happiest and most faithful of seamen. I have been so often baffled in my attempts to settle our Florida tract, that I expect the same disappointment in this attempt. Yet Louis and his other friends are so sanguine that I begin to suppose the thing may be possible. I offer to take them out at my own expense, support them till the plantation will maintain them,—to buy cattle, hogs, sheep, &c., to find horses, mules and all the utensils necessary to the plantation, and to give them one-third of the clear profits. They are to go with Louis, and to be placed under his government and direction. Their preacher, a Calvinist, will accompany them, and is to be the schoolmaster for their children. They will form a fine little village in the settlement, with their gardens in the rear of their dwellings, a broad street between, and a church, schoolhouse and parsonage at one end. In short, if they prove faithful and honest, it will be a thriving and happy establishment. And as they will be well educated, intelligent, moral and christian, it will be, if Providence blesses the design, a most princely establishment for you and our children. It is a part of the arrangement that there is not to be a *black* on the place. The project is new in our country—looks rather visionary, and very like one of the castles in the air; but practical men here think it must succeed."

February 4.

"'Six days shalt thou labor' is a command, which I, at least, have no power to disobey. I have before me weeks of prepara-

tion in the mammoth cause from Florida, but as there is a cause from Pennsylvania on the anvil, that threatens to take a week, I may 'lay on' without interruption from the court. The only danger will be from my Wirtemberg vision, of which my day-dreams are beginning to be informed, in spite of my philosophy which has been so well disciplined to disappointment. I shall not feel on *terra firma* in this project, till the people all get out, and I hear that they are comfortably settled and well pleased. Putting aside all notions of splendor and magnificence, which we ought not to desire, it cannot be otherwise, if the country continues healthy, than a comfortable asylum both for them and us. With abundance and peace, and the neighborhood of those good simple-hearted creatures, with their German hymns and their church and school, their bands of instrumental music of a summer evening, their rosy-cheeked children and laughing faces blessing and blessed by them, I could not close my days more comfortably to myself than surrounded by them and my own family. 'But no visions, Mr. Wirt. It may vanish in three days like a dream. You are not on terra firma yet. The bog is shaking under your feet and may play you a Bride of Lammermoor trick.'—Very true, Mr. Croaker. But it may also prove a land of flowers—a Florida—an oasis in the desert. So, heads up, eyes bright and hearts firm, trusting in God. ''Tis ours only to draw the bow: it is his to direct the arrow.'"

TO JUDGE RANDALL.

February 4.

"Mr. Muhlenberg, a member of Congress from Pennsylvania, himself of German extraction, and well acquainted with the character of those people from the South of Germany, thinks the plan an excellent one, and is only astonished that the gentlemen of Virginia had not thought of it sooner. He says he can anticipate but two objections. First, of climate; and, second, the ignorance of these people in the culture of sugar and cotton; both of which objections being overcome to his satisfaction, he says, in concert with every other person to whom the plan has been explained, that it must succeed. I drew out the plan in writing, in five or six folio pages, of which the German minister made, in one night,

a German translation. This man has only been in this country since October, yet his translation—Mr. Muhlenberg says—is not only accurate but beautiful. This proves the Rev. Mr. Mohl to be a fine German scholar.

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"I have guarded against elopement as well as I can. My plan is cast with reference to this apprehension. I have them all of the same religion—Protestants—and from the same German province, or the neighboring one of Bavaria. I send out their preacher with them, who is to be, at once, their pastor and schoolmaster. They are to be established in a village form. Before they move all the adults are to be bound by covenant for five years; all the children till twenty-one. There is a distinct provision that Mr. Goldsborough shall always hold back their share of the profits for one year, which they are to forfeit by infidelity to their engagements. But, chiefly, it is made their interest to stay and to be honest and industrious, by having every thing found for them, being sure of a support in a delightful climate, and having one-third of the profits. I do not suppose the experiment will cost me more than six or eight thousand dollars."

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WASHINGTON, February 17.

"Vessels are every hour expected from New Orleans, and I suppose Goldsborough will take the first that arrives. He is making his selection of the German families with great deliberation, and has as yet but fourteen families under covenant; but they are pressing upon him so anxiously that he has no doubt he could get two boat loads, in Baltimore alone—besides the importunities of Germans here, who follow him to Baltimore."

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TO LOUIS M. GOLDSBOROUGH.

WASHINGTON, February 15.

"I thank you, my dear Louis, for the cheering intelligence you continue to give me. Governor Call likes our plan. If the Germans continue faithful, it is, he admits, a great and splendid enter-

prise. He says it is a fine country for silk, with plenty of white mulberries; fine, too, for vines; and he recommends your carrying out a plenty of slips of the grape vine of all kinds. I observed to him that I had but poor encouragement to form an establishment in Florida, as I believed no great success had yet attended any of the adventurers. To which he answered, that every body had succeeded who deserved to succeed."

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February 16.

"I have one thing to impress on you. Don't suffer this enterprise to weigh too heavily on your mind. We all know that you will do your best. We all know it may fail without the slightest negligence or omission on your part. Every human project depends on so many thousand contingencies, against which no thought, sagacity or prudence can guard, that no man or woman of sense is surprised at the failure of anything. The surprise ought rather to be that anything succeeds. I am only half an adviser in such matters, but you are a capital executive officer as well as adviser. Therefore, if you should get disappointed in the Germans, or anything else, don't suffer it to annoy you. Come what will, you are sure of my approbation and gratitude, and that of all my family."

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February 18.

"Ought we not to have as many German primers and spelling-books and psalters, as we have children to be taught? Also, slates and pencils and some coarse writing paper for their copy-books? I cannot but hope that Mohl will prove a comfort and auxiliary to you. I wish the colony to be a christian one, as sincere and earnest in their religion as industrious in their work."

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February 22.

"I am very glad of what you tell me of M. and very willing to believe your opinion correct. I much fear his clerical profession is a mere college trade for a living, and both he and his countrymen and women too much of Gnomes for that spiritual

piety I should like to see flourishing in our little settlement. I want no canting, nor ranting, nor bawling there, nor yet specious sentimentality in religion for beauty's sake or show's sake; but that quiet, deep-seated, earnest spirit which, without any noisy professions, discovers itself only in the life of the party."

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February 28.

"'The course of true love never did run smooth,' nor the course of any thing else that belongs to man. It is not only unwise, but absurd, to fret ourselves at the happening or not happening of any thing that depends on winds and waves.—I have no doubt you did right to make the advances to our Germans. Indeed, I do not see how it could have been avoided consistently with humanity and justice.—As for me, I thought, in the beginning, we were going off too swimmingly for it to last. So, I am not surprised by any cross-buttocking, on my own account; and I hope you will make up *your* mind to bear it calmly. I feel more for you than for myself, because you are young and ardent, and not accustomed, as I am, to the thwarting of these adverse land currents."

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TO JUDGE RANDALL.

Washington, March 8.

Goldsborough has been most wofully detained in Baltimore, by the want of a vessel.—After selecting and engaging his colony and completing his preparations, he was kept in Baltimore between two and three weeks, and finally went to New York, to try to get a vessel there.—You may rely upon it, when he gets out he will make every thing fly and glow around him;—and out he will be, as fast as a vessel can carry him.—God knows I have been too much and too long accustomed to disappointments, to hope very sanguinely for any thing hereafter. My health has been much better this winter than for several winters past. I am not much more than half the size I was at forty. My spirits, though not boisterous, as once they were, are good and almost buoyant. *The blow struck on my heart, two winters ago, I shall never get over;—nor can I say I wish to get over it. It has thrown*

a cloud on my life that I should deem it sacrilege to dispel if I could; for I look upon it very much like that cloud which rested, of old, on the tabernacle of Israel, to attest the presence of God. It brings me into the immediate society of Heaven whenever I cast my eyes upon it. It is, therefore, salutary to my soul, and it does not afflict me as it did. I am, indeed, often surprised at my own cheerfulness, and, sometimes, a little ashamed of my levity.—If I were in Florida I might be as undignified as I please, without censure, save from myself. My brain, I can tell you, is teeming with dreams of what may yet be done, if I live to get established amongst you.

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BALTIMORE, March 22.

To day, at last, "*post varios casus*" and about half after one, "the Laurel," Goldsborough's brig, sailed with a fine smacking breeze from the west.—His colony, about one hundred and fifty souls, were all in fine spirits. They seemed already to be greatly attached to him; and they will be more and more so, the more they know of him,—as you all will. A truer, nobler, kinder, braver fellow never lived. I never doubted the *lion* part of his composition, but I never saw so much of the *lamb*, till within the last few days. To know him and not to love him, is impossible for man or woman who has a head and heart;—the more they have of both the more they will love him.

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Yours affectionately,

WM. WIRT.

After the departure of the colony, and before their arrival, the next letter was despatched, by mail, to Tallahassee.

TO LOUIS M. GOLDSBOROUGH.

BALTIMORE, March 30, 1833.

MY DEAR LOUIS:

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Your argosy is so richly freighted with human lives, that we shall be exceedingly solicitous till we hear of your being on *terra*

firma again. When I learn you have got your colony in Wirtland, and that your Germans are busily and cheerfully engaged in building their village, I shall feel greatly relieved and comparatively secure. Every cabin, with its garden and milch cow, will be a new anchor to windward. And when the church and school house are built, and their children are going to school, and their own pots boiling merrily, I shall consider them, and your project. safe in dry dock. The predictions are generally unfavorable to your success, but it is by those who do not understand your plan, and judge of it by the general conduct of German redemptioners only. Ours are not redemptioners, but partners in trade; and I argue more favorably of the result. Let them have no complaint on the score of plenty and comfort, and I think all will go well. But whether it does or not, my anxiety, my dear Louis, is that you should not permit yourself either to be grieved or fretted about it. All that can be asked of mortal man is to do his best, as I am sure you will do. We cannot command success—we can only deserve it—Addison says. If the results do not correspond with our wishes, it would be the merest folly to fret ourselves about it.

Remember that our great object is to get as much *clearing* done by these Germans as possible the first year, so as to make sure of reimbursing ourselves the cost of their transportation and support. Push that object, therefore, as far as it can safely be pushed. Meantime, I would suggest the propriety of doing every thing for their recreation, that can be done compatibly with industry. I would even promote their festivity and enjoyment. I would ask them to give me a specimen of the rustic waltz of Germany, and encourage music, dancing and all innocent amusements. Let the boys play *leap frog*, *prison baste* and *ball* in the street, or court, or Campus Martius between the houses of the village, for the entertainment of their parents. Set some of them, in their leisure, to making Alp-horns for your shepherds. All these things will serve to knit their hearts to the place, by multiplying their local associations and strengthening their gregarious propensities to their own particular society. There is nothing so exhilarating as the song of healthful, cheerful industry, and I hope to hear your people are too happy to be disposed to separate, either from each other or from you. You will have to exercise

your authority, occasionally, to settle their little disputes and keep them in good humor with each other. This, done gently, kindly and firmly, will make them all revere and love you the more.

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Yours affectionately,

WM. WIRT.

After a long voyage, some danger of shipwreck and a rough time, the adventurers arrived safely on the land of their labors.

On the 30th of April we have another letter to Mr. Goldsborough.

"I cannot tell you, my dear Louis, how happy and how grateful this morning's mail has made us; for it brought two letters announcing your arrival.—What a time you have had of it? Six days on the Grand Bank near the Hole in the Wall!—And you all came safe ashore, except the poor little canary bird which E—— takes it for granted is now warbling away, and "dancing canary" in the West Indies.—We are all delighted with your care and attention to the Germans, and their civility, contentment and good behavior throughout the voyage. I begin to feel increasing confidence in their adherence to you.

"I have nothing to boast of in the way of improved health. My weight has sunk from two hundred and twenty-five pounds to one hundred and sixty. I am looking out for a trip this summer, either to Europe or the White Sulphur. The Philadelphia physicians recommend the former. Dr. Buckler doubts whether the White Sulphur may not answer as well. I have more confidence in our own mountains and waters. One of my strongest objections to the trip to Europe is the separation from my children and from you and your enterprise.

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Yours affectionately,

WM. WIRT."

This is the history, so far, of an arcadian dream. There is no incident in the life of Mr. Wirt, that so fully develops his character as this Florida adventure. We read in it his benevolence, his gentleness, his sanguine temperament checked by a wholesome experience, his delight in the fancy of human happi-

ness connected with rural life and simple pleasures, his generous judgment of men, his religious distrust of worldly success, and his perfect resignation to whatever may happen. It is the vision of a patriarch and the reverie of a poet:—the most sedate, the most real and the most elaborate of the many fancies which had been pictured upon his mind from the days of his boyhood. No one will read the brief sketch of this scheme which I have extracted from his letters, without an increased regard for the character of the projector.

The end of this enterprise is comically told in a brief passage from the next letter, written to Goldsborough within three months after the landing of the pilgrims of Wirtland.

WHITE SULPHUR SPRINGS, July 18, 1833.

MY DEAR LOUIS:

With regard to the Germans, considering what kind of cattle they have proved to be, I am so far from lamenting their desertion, that I think it quite a happy riddance. I hold, as to them, pretty much the opinion of that sage and learned Theban, Dogberry, which he gives in his charge to the watch—"You shall comprehend all vagrom men: you are to bid them stand in the Prince's name."—"How, if he will not stand?"—"Why, then, take no note of him, and let him go, and thank God you are rid of a knave." Never mind the affair. It is only one of "our castles" tumbled down. I am so used to such things that I am rather more disposed to laugh than to weep at them. Thank Heaven, there are no bones broke in the way of pecuniary loss! We had, at least, the foresight to anticipate such a result, and to take care to make the experiment as cheaply as possible. I am sorry for your disappointment. But regrets are vain. The thing has been done. We must not be unnerved by the disappointment, but provide as vigorously as we can to meet the future.

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Good wishes to the Messrs. Mohl and all the faithful among the Germans.

Yours affectionately,

WM. WIRT.

To Judge Randall he writes on the 29th of July:

"As to the Germans, I am prepared now to write a treatise *De Moribus Germanorum.*

"I wonder how Louis has been able to bear up under it. I am infinitely more sorry on his account than my own. I know how much he had it at heart, and how sanguinely he counted on success, which I never did. I know that if prudence, address, kindness or firmness could have prevented this disaster, it would have been prevented, for I have a very high opinion of his good management. But, at last, what is it, but one of those disappointments to which we are continually exposed? I have read in some book 'that life is nothing more than a succession of bloated hopes and withering disappointments.' The expression is somewhat too strong, for there is certainly some present enjoyment in life. I have had my share of it. But there is rather too much truth in the saying, and too many and constant practical demonstrations of it, for a wise man to grieve long and deeply at any disappointment of worldly interest that can befal him. Without any pretensions to so high a character, I think I can assure you that this affair will not leave a scar on my brain or my heart. Indeed, the explosion has been so quick and so complete, and there is something so droll in those rascals having gone so far to play so ridiculous a caper, that it seems to me rather more laughable than cryable; and much the strongest tendency I feel is to laugh, until I remember Louis's disappointment and mortification. However, this is all unavailing. The die is cast, and we must abide the hazard manfully. We can but fail, and as Mrs. G. used to say—"We shall all get through the world somehow or other."

We return now briefly to notice an event connected with Mr. Wirt's last appearance in a political position before the country.

As soon as the result of the Presidential election was proclaimed in November, of the last year, a leading press, in the confidence of the Anti-Masonic party, once more presented his name as the proper Presidential candidate for 1836. We may suppose that such a nomination would find but little favor with him, after his experience in the last canvass. When the Providence American, which had made this suggestion, came to his view, he immediately wrote an answer which was published in that paper, and soon after circulated throughout the United States.

"I consider the nomination which I accepted"—he says in this answer—"as having been finally disposed of by the recent election: and the same sentiment of deference which, under the circumstances of the case, led me to yield my own wishes to those of a portion of my fellow-citizens, now binds me, with increased obligation, to acquiesce in the decision of the whole which has been made upon it.

"Should the question (of re-nomination) ever be put for my decision, I shall answer it according to my sense of duty as a citizen of the United States. I know of no legitimate purpose of such a nomination but the election of a President for the common good and happiness of the country. In my former letter of acceptance, I said distinctly, I could never consent to be the President of a party; and the same sentiment will continue to influence me in any future decision I may be called to make on this subject. Meantime there are other subjects of fearful magnitude, that press themselves on the immediate attention of the patriot and demand all his solicitude. The Union itself is in danger; and the signs of the times render it problematical whether it may be the will of Heaven that we shall ever have another Presidential election under the present Constitution of the United States. I pretend to no right to control the press in the selection of its topics. But I may rightfully desire to have it understood that, at such a time as this, and under the circumstances of public anxiety and alarm which surround us, I take no pleasure, but the reverse, in seeing my name the renewed subject of newspaper discussion for a purpose so remote and so contingent. I am sensible of the favorable regard which, I have no doubt, prompted your article, and am grateful for it. But I should lose all self-respect if, at such a time and under such circumstances, I could be thinking of myself or sanction, by my silence, what seems to be so very unseasonable an obtrusion of my name on the consideration of the public.

"There is already far too much of exasperated feeling among our people from other causes of immediate and unavoidable pressure. The efforts of every true friend of our country should be directed to the great purpose of conciliation and peace. Instead, therefore, of opening a new source of excitement by the premature discussion of the subject of the next election, I am more disposed to unite in an endeavor to shut up those other fountains that

are already sending out their bitter waters so freely among us, and to see if it be not possible to bring back something like that state of great and disinterested love of country and fraternal concord, in which the war of the Revolution left us, and the Federal Constitution found us. It was that auspicious state of things which made the introduction of free government so easy and its action hitherto so prosperous. I indulge in no romantic expectation of the return of that golden age. But unless something effectual can be done to allay the agitation which has already arisen and bring our people to a kinder state of feeling, it requires no great stretch of political sagacity to see that our institutions will rush to speedy ruin."

The allusion to the ferment of the public mind, at this period, refers to that melo-drama of nullification which was then approaching its most intense and stirring act. On the 11th of December 1832, the celebrated proclamation of General Jackson was issued, and both of the great political parties of the day were agitated by an earnest discussion of the events to which it referred and the principles which it upheld. "The Resolutions of Ninety-Eight" were in danger. The blow which struck them came from a friendly hand. "*Et tu Brute!*" was the imprecation of many a liege-man of the President. "The Proclamation" and the "Resolutions of Ninety-Eight" were at the very opposite extremes of the swing of the pendulum of political doctrine. Nullification had the magic in it to unite these antagonisms, in the persons of all the loyal who enjoyed the favor or confidence of the great Anti-nullifier. The right of a State to secede from the Union became a popular topic of discussion in all circles. Every juvenile debating society had as much to say to it as the gravest politicians. Many new and subtle distinctions came in vogue. Politics grew strangely metaphysical. Out of all this ferment, mischief might have arisen, if General Jackson, with dexterous address, had not tempered the high doctrines of the proclamation with a practical abandonment of the tariff, and thus furnished an occasion, which Mr. Clay, still more dexterously, used to the consummation of that great measure of pacification, the Compromise,—by which the South surrendered, for ten years, the question of contention. This compromise closed a triangular war, by dis-

arming the President, satisfying the friends of the protective system, and soothing the pride of the nullifiers.

The following letter contains a dissertation on the engrossing topic of the day, which, even at the present time, is worth perusal.

TO JUDGE CARR.

BALTIMORE, Sunday, January 6, 1833.

MY DEAR FRIEND:

I have been wishing to write to you for some time. But although I have risen early—at five,—and lain down late—at eleven and twelve,—yet I have found no leisure to do so. I am obliged, at last, to invade this holy day rather than be longer silent—if cultivating feelings of friendship and love towards a brother be invading it. * * * As to being astounded by the aforesaid momentous events, I have seen such chopping and changing, and degeneracy, and want of national as well as of individual faith and honor, that I am not easily astounded at anything.

I believe the affair of South Carolina will soon blow over. I have never thought they would go the length of dissolution. If *they* are mad, the majority of the people of the United States are cool and sober and in perfect good humor—more disposed to pity the Quixottes of the South than to quarrel with them. The President "talked big," but, you see, they are giving Carolina what she asks, in the virtual repeal of the whole tariff system. This is what I have thought, from the beginning, would be done. It is a bad example for the other States, but better, perhaps, than a civil war in defence of a policy which the States south of Potomac have condemned. Our Government depends so much on the confidence and affections of the people; and there are so many fruitful topics of jealousy and quarrel among States scattered over such an extent of country, so various in soil, climate and pursuits, that we need never expect any very cordial peace and love among our people, nor a very strong and continued course of policy in any direction, however wise and judicious. A few years ago, internal improvement and the encouragement of domestic manufactures were all the rage. It was the *universal passion* at the close of the war. The war itself and its wants had taught us

wisdom. The lesson lasted for five or six years;—but it is gone. Now, from the President down, the disposition, the universal cry seems to be "Down with the Federal Government—up with the States."

As to the right of a State to secede from the Union, I do not recollect to have ever heard it made a subject of discussion in the high times of '98–9 and 1800,—and, consequently, never heard the denial of the right to secede treated as a high federal doctrine. I cannot, however, distinguish between the right of secession and the right of revolution. No one, federalist or democrat, or even monarchist, has ever denied the right of revolution when the social compact is violated to the intolerable oppression of a part of the country. We, who only became a nation by the assertion of that right, ought to be the last to dispute it. All will agree that there are extreme cases of oppression which may be imagined, and in which revolution is not only a right but a duty. But who shall judge when such an extreme case has occurred,—the oppressed or the oppressor? If the latter, it is easy to see that no revolution will ever be permitted;—for the case will never be admitted to have occurred. If the former, the danger is (as is now the case in South Carolina,) that passion will too often take the place of reason, and the case will be continually thought or alleged to have occurred. But in all revolution, the oppressed has necessarily taken it upon himself to decide,—and has brought on the struggle. The oppressor has never admitted the oppression, nor let go his hold. War has ensued—and it has been a subdued rebellion or a successful revolution, according to the event. That South Carolina has ever had cause for secession I have never believed. But on the abstract question of the right of a State to secede, the argument of the proclamation is not so demonstrative as I wished to have found it. You have distilled the strength of the strongest part of it in your letter. A State cannot tear herself away from the Union without tearing out the heart-strings of the other States. If this be true, and a State considers secession a question of life or death, there being no common umpire between them, there is no alternative but force or submission on the one side or the other. On a general question, I think it far more probable that the one or the other will submit, than that civil war should ensue. The Union is held in too high value by all the States to be parted

with on a mere question of policy. I believe that the majority would put up with any policy sooner than to run the hazard of disunion or civil war. I do not know that we can come to any satisfactory conclusion as to the right of secession. We must admit the right in a case of extreme oppression. When the question is one of life or death, self-defence becomes the first law of nature, and all will recognize the right of a State, *in such a case*, to save herself, if she can. On the other hand, if one State, in the effort to save herself, will destroy twenty-three others, the same law of self-defence authorizes the latter to save *themselves*, if they can, by preventing the secession. So, at last, it resolves itself into a question of force and comparative strength,—and becomes a physical instead of a moral question. Calhoun, as I understand, proposes to have the matter settled by calling a convention of all the States; and if he would agree to leave it to them, when called, to say whether the power to pass a protective tariff exists in the Constitution, and let a majority decide, it would be well enough. But he requires that the majority shall be the constitutional majority to make an amendment to the Constitution. I do not know that he would even agree to leave the question of the present existence of the power to such a majority. His proposition is, that, by way of taking the sense of the States as to the present existence of the power, it shall be proposed, by way of amendment, to give the power; and that unless two-thirds of both houses of Congress, or the legislatures of two-thirds of the States, shall concur in proposing the amendment, and it shall afterwards be ratified by three-fourths of the States, the power shall be considered as not now existing in the Constitution. Every one knows that in the high state of jealousy which has been, I think most needlessly, excited against the Federal Government by appeals made, (for the most part by artful demagogues) to the pride of the States, there are very few acknowledged powers of the Government that would, at this day, bear that test. The Supreme Court would go by the board, or its powers be so crippled as to render it useless. The power to regulate commerce would never again be conferred as it now exists, nor indeed any other power. We should, in the fury and inveteracy of State pride and jealousy, relapse into the imbecility of the old articles of confederation. As to the tariff, its *policy* is denied by many who admit the *con-*

stitutional power of Congress to pass it. Agriculturists and commercial men are very generally opposed to its policy. If the question of conferring the power anew, *in the form of an amendment*, were raised, as Calhoun proposes, all who are strongly opposed to the *policy* would refuse to confer the *power*, whatever they may think of its *present existence*. It is probable, too, that many would oppose the amendment because they would consider it unnecessary—the power, in their estimation, already existing. Calhoun has counted hands and well knows that he is perfectly safe in the arbitrament he proposes. Now, as there is *a decided majority* who consider the power as already existing—and as it has been exercised, *without dispute*, 'till now, ever since 1789, it would seem to me more reasonable that the *minority* who deny that the power does or ought to exist, should move for an explanatory amendment, expunging the power, or declaring that it shall not be considered as existing. But this, the opponents know, would be a vain attempt, and they are, therefore, for artfully shifting the movement on the majority. Ought not this provision in the Constitution for amendments, to be considered as *the umpire* agreed upon by the States who ratified the Constitution for the settlement of all difficulties? The difficulty arises only from the mode of appealing to it—the very difficulty of which I have just been speaking, who should make the movement. I think that where a power is assumed by any department of the Federal Government, it will be the more safe and quiet course to consider it as rightfully assumed until the constitutional majority shall rescind or deny it by an amendment. It is not to be lightly believed that a majority of the House of Representatives, coming immediately from the body of the people, and removeable every two years, will corruptly agree with the President and Senate in asserting a power which they know not to exist;—or that a majority of the people of a nation, like this, so widely and sparsely scattered over such an immense country, will confirm the usurpation by continuing to elect the same representatives. They ought to be believed honest in the assertion of the power, as well as in the enforcement of the policy, as long as they continue to be as they are, a large majority;—and those who deny the power ought to appeal to the constitutional umpire, the Supreme Court, where it can be made a judicial question; and where it cannot—

to the other constitutional umpire, the provision for amendments. But "would *we* have held the doctrine in 1798, with regard to *the alien and sedition laws?*" *Did we not hold it?* Mr. Madison's and Mr. Jefferson's resolutions were not for *secession*—they were appeals to the other States, and looked no further than to the *repeal* of the laws or the engrafting an explanatory amendment on the Constitution. I speak from memory. But I well remember when Callendar was under trial, the anxiety of all the enlightened patriots of the democratic school, in and out of Richmond, that the State should not be disgraced by any appearance of disorder or even intemperance, much less of violence. The immense multitude in the capitol, although visibly under the highest excitement at the violence and rudeness of Judge Chase, were not heard to speak above their breath. How different was this from the violent movement of South Carolina,—her declaration of war, backed by the calling out of all the military force of the State! The instance shews, that if Mr. Jefferson and Mr. Madison held the right of secession they did not consider even the extreme case of the *sedition law* a fit occasion for its exercise;—but that the appropriate remedy was in a repeal law, or an amendment of the Constitution in the regular form.

Nevertheless, the abstract right of secession cannot be denied *in theory*, in a case where even political death would be preferable to existence under extreme oppression. But I can scarcely conceive the case that can possibly arise *in practice*, under a government like ours, to justify a resort to secession. It looks exceedingly like a desire to play the smuggler or the pirate, for an Atlantic State to talk of seceding on the grounds taken by Carolina. I am far from considering the other States bound to permit the tacit secession of Carolina, on the ground taken by her. I think, with you, that it is a question of vital existence to the rest of the Union. While I am forced, therefore, to admit the abstract right to secede *for sufficient cause*, on the theory of human rights, I am obliged, in justice to the other States, so to qualify it, as to render the theory of but little practical value, and indeed, almost to amount to a retraction of the admission. Such, however, seems to be the unavoidable result of the complicated relations of the States, or the incompetency of the human mind to extract a consistent and harmonious system of practical rights out of

such complex relations. I confess my own inability to do it. And the proclamation seems to be in the same dilemma—for it admits the right to secede *in a palpable case*, but does not attempt to *define the case*, nor to say *who* is to decide whether it has occurred. This right, indeed, seems reserved to the Federal Government, which is a virtual retraction of the admission *in a palpable case*. Can you *excogitate* a more certain rule?

Our love to yourself, your wife and children.

God bless you all.

Yours,

WM. WIRT.

The next two letters bring us back to those more genial themes in which the writer of it specially delighted.

TO JUDGE CARR.

RED SULPHUR SPRINGS, August 24, 1833.

Pray have you not been reading Rollin, of late, or some of the originals from which he draws those laconic epistles—"send me your arms,"—"come and take them!" Or are you getting so fat as to make it necessary for you to

> "—— breathe short winded accents of new broils,
> To be commenced in stronds afar remote."

What has become of your ideal fecundity and all those powers of expatiation and amplification which you used to pour out upon me, with such delightfully interminable continuity? When your courts are sitting, I am content with any thing you can snatch a moment to write me. But, now, in this summer recess of ample leisure, when you are rolling in clover, and have all the incidents of the metropolis of Virginia playing upon the springs of your mind, I had certainly a right to expect rather a more refreshing exundation than your very brief note of the 18th.

I think if I were with you, you would discourse me a little more copiously. Your pen rolls along with so much ease and volubility, that I should suppose it is as light a task to you to write as to talk. Far otherwise with me; my fingers seem to have lost their cunning, and are so stiff and cramped in their action

that it is hard work to me to write, and painful to me to look at my crowsfoot scratching, after I have written.—It reminds me of the boldness and freedom with which my pen used to follow my mind in its youthful aspirations; and reminds me, too, that those days are gone. However, do not suppose that I am not thankful even for your shortest notes;—for they always assure me, as this does, of your kindness and affection. If your letters were not so delightful to me, I would not care how short they were; but they are such a treat, that, let them be ever so long, I am always disposed to say with Cabell,—"give me some more." One does not like to have the glass of fine champagne taken from his lips when he has just begun to sip, nor to be tantalized, like Sancho in his island, with a mere passing glimpse of a banquet, which he is not permitted to touch;—*Verbum sat.* Don't get displeased at this and discontinue your letters altogether.—Rather continue to give me the half loaf than no bread at all.

Well, you are now with your children and grand-children again in the height of your earthly happiness. I enjoy it, too, exceedingly;—but my mind and spirits languish, unless those soft and gentle feelings can be occasionally relieved by mental excitement. Could I have my choice of life, it would be to possess an Alhambra, large enough to furnish ample space for all my children and all my friends, without incommoding each other; with saloons, where we might all assemble together, or in parties as large as we pleased; with a separate study and library for myself, and horses and carriages to ride *ad libitum.* A slight requisition,—this! But I should even be *content*, if, with the family I have, I could sit down in Richmond with you and Cabell, for the sequel of my days,—having nothing to do, but to read, ride and enjoy myself with my family and my friends. The last, one would think, is *a possibility.*—I shall not lose sight of it immediately; and if to it I could add a Christmas assemblage of all my children, and a summer in Albemarle near our friend and brother Peachy, there would not remain many more things, merely of this earth, for me to desire. By-the-way, I had a letter from him last evening, written in fine spirits and fine health. He has profited very much by his mountain trip. We all require to be shaken now and then, like a stagnant pool by a tempest. Poor P——, I think, is peculiarly liable to the gathering of the green mantle over his

surface. The biennial agitation, of a trip to Richmond in the winter and a gathering of the clans at his house in the summer, would prolong his life in health for some years.

I thank you for your congratulations on my second grandson.* No, the proofs of old age are thickening upon me too fast to be any longer resisted, and I am, accordingly, comforting myself every summer, with a re-perusal of Cicero "De Senectute." But who could not bear such an old age as that of Cato Major, the chief prolocutor in that dialogue? An old age of honors, wealth, health and countless friends who held him in the highest veneration? What a beautiful treatise it is! Infinitely superior, I think, to that "De Amicitia," which immediately follows it,—or even to the much and justly admired "Somnium Scipionis," usually the sequent of the two former. Have you read them lately? By-the-bye, I got a Sallust at Lewisburg, principally for the purpose of examining again the two passages you read to me, and especially the comparison he institutes between Cæsar and Cato. It is very fine, and done with infinite skill and dexterity in behalf of his friend Cæsar, to whom he owed such obligations as he never could have received from Cato or any other virtuous man. What a profligate scoundrel he was, that same Sallust,—according to the biographical notices prefixed to his works! Expelled the Senate for the vilest practices, restored by Cæsar, appointed, by the same patron, the Prætor of a province which he plundered with the most barbarous and shameless rapacity, and bought, with the spoils, those beautiful gardens at Rome which still bear his name. And yet Carter, in his letters from Europe, speaking of these gardens, mentions him with great veneration, as the virtuous and philosophic historian in dignified retirement. His virtues, like our friend Sterne's, I fear, are only to be found in his writings. It would, indeed, have been most fortunate for him that no memory

* Mr. Wirt's fourth daughter Rosa, had been married, in 1832, to Dr. Alexander Robinson of Baltimore, an accomplished physician of that city, who yet enjoys a valuable practice there. But a few weeks before the date of this letter, the eldest son of this gentleman was born, being the second grandson in the family.

I am grieved at being obliged to add to this note, that whilst these sheets were going through the press,—May, 1849, the family of Mr. Wirt have sustained an afflicting bereavement, in the death of this estimable lady. A large family of children, survive her, to mingle their grief with that of many devoted relations and friends.

of him remained but what is to be found in his histories, which are, certainly, in the highest tone of virtue and patriotism. But the comparison aforesaid, fine as it is, is not equal, in my opinion, to Lucan's of Pompey and Cæsar, which I am very desirous for you to read.—Pray do so, *pour moi.*

Apropos,—the cholera is in Shepardstown:—is Martinsburg safe? They all tell me that I have improved *marvellously.* According to the report of the scales, I have gained fifteen pounds since I first weighed at the White Sulphur. I am now one hundred and fifty-seven. I eat abundantly, and have strength, good looks and tolerable spirits. We offer our love to you all.

Your friend,

WM. WIRT.

TO S. TEACKLE WALLIS.*

RED SULPHUR SPRINGS, AUGUST 25, 1833.

MY DEAR SIR:

I thank you for your letter of the 11th, which has found me at this place—the remotest of the mineral waters of Virginia, in this direction, that have any living fame—and I wish you were here with me. Your dyspepsia, in all its consequences, would speedily vanish before these waters and the mountain air. I doubt whether you could do a wiser thing, even yet, than to run over in September and spend a few weeks among these Springs. It would enable you to lay in a stock of health for the winter's campaign;—for what is the *mens sana* without the *corpore sano?*

The waters are at their best in September, and in this region, they tell me, the month of October is the finest of the whole year—far surpassing our Indian Summer; having all its mildness and softness, without its enervating effects. It is my purpose to test the truth of this representation by remaining somewhere in this region 'till October—the principal part of the time, perhaps, at the White Sulphur, though *these* waters agree with me marvellously well so far. According to the report of the scales, I

* Mr. Wallis, now an accomplished member of the Baltimore bar, was, at the date of this letter a student under the guidance of his friend, Mr. Wirt.

am gaining a pound here every day—and I am sensible of great improvement in my strength, good feelings and appetite.

For recreation, I have horses, company, a few books and my pen, and do not find my time at all heavy on my hands—though I should certainly find it so at Saratoga, amid such an oppressive throng, such a rabble rout, as that must be—Washington Irving to the contrary notwithstanding. I love these green mountains, richly wooded to their summits, with their poetic breadth of lights and shadows at sunrise and sunset;—the rich verdure of the lawns, fields, meadows—the autumnal flowers that are bursting around us—the rains—the lightning—and the thunders reverberating among these mountains and rolling their echoes along the valleys. These are the scenes for great thinking. A *petit maître* would be out of his element here,—for he cannot think at all, much less think greatly. One cannot be frivolous amid so much natural grandeur. The mountains would frown their rebuke upon him, and the starry firmament, sparkling with such unwonted lustre, these cold nights, would awe him into solemnity, if they could not raise him to sublimity. I think you could spend two or three weeks here with great enjoyment as well as advantage to your health.

Have you ever dipped into the works of Edmund Burke? I do not think he is properly estimated in our country, nor, I suspect, in his own, except by a few. His speeches have so much richness and splendor of imagination, that the great mass of readers seldom look farther, and know nothing of the abundance, the greatness and accuracy of his thinking. I have been conversing with him in the first volume of his works, which I have found here, and have been much struck with the powerful grasp of his mind, compared with some other modern writers who had just passed through my hands. He is indeed a *masterly thinker*, and I commend him to your acquaintance. I like his essays better than his speeches—for they are *all thought*, without any ambition of ornament, and shew the great play of his mental machinery, in the naked majesty of its strength. Such are the models on which I would wish you to form the action of your mind. You must look far above and beyond the living models that meet your daily view. These are, some of them, good examples of energy, pushing industry, and untiring perseverance, and are, so far, highly

worthy of imitation. But when you come to the article of *thinking*, with reference to professional preparation, you must look far, very far, beyond and above them. You must take a wider horizon—sweep in larger circles—draw your arguments from greater depths—and learn to fold your adversary in coils of a more *Anaconda* gripe. This pungency and force of thinking, this fertility of resource, this depth and breadth and amplitude of view is to be learned only by *studying* the greatest master. Take up for example, Butler's Analogy of Natural and Revealed Religion, and study it as a specimen of thinking and reasoning. Observe how profoundly and widely he surveys his subject—how carefully and beautifully he evolves his argument—and with what resistless cogency he draws his conclusions.

Bacon's Essay on the Advancement of Science, Locke on the Human Understanding, and on Government—and some of the preliminary chapters of Hooker on Ecclesiastical Polity, are on the same gigantic scale of thinking. These essays of Burke and the constitutional opinions of Chief Justice Marshall, belong to the same great class of intellectual effort, and you ought to become familiar with them.

In composing, think much more of your matter than your manner. To be sure, spirit, grace, and dignity of manner are of great importance both to the speaker and writer, but of infinitely more importance is the weight and worth of matter.

The fashion of the times is much changed since Thompson wrote his Seasons, and Hervey his Meditations. It will no longer do to fill the ear only with pleasant sounds, or the fancy with fine images. The mind, the understanding must be filled with solid thought. The age of ornament is over: that of utility has succeeded. The "*pugnæ quam pompæ aptius* is the order of the day, and men fight now with clenched fist, not with the open hand—with logic and not with rhetoric. It is the *rough, abrupt strength* of Webster which has given him his reputation. This roughness and abruptness are natural to him, but I believe it is his policy rather to encourage than to subdue them, since any infusion of softness and grace would conceal that muscularity which is his peculiar boast and pride. I have seen equal strength and greater accuracy in others: but it has been partly veiled by a more graceful and polished manner, and a more creative imagination.

The fashion of the age, therefore, calls upon you to cultivate this great, powerful and wide-sweeping habit of thinking, and to go for strength and not for beauty. As connected with it and essential to it, you must begin forthwith and persevere in treasuring up all sorts of useful knowledge. You must be continually awake and alive to all that is passing around you, and let nothing that can be turned to account escape your observation. Mr. Jefferson was only sixteen years of age when he began to keep regular files of newspapers, and to preserve every pamphlet, whether speech or dissertation, on any public subject, whether of politics, arts or science, which issued from the press. Thus he was continually master of all that was passing in his own age, in every quarter of the world. These newspapers and pamphlets he would have assorted and bound in volumes at the end of the year so as to be always ready for reference. But beside these *collectanea*, which I earnestly recommend to you, there is a great field for personal observation which must depend on your own sight and memory, and such minutes as you may choose to make of them in your private diary or common-place book. Perhaps there is no property in which men are more strikingly distinguished from each other, than in the various degrees in which they possess this faculty of observation. The great herd of mankind, the *fruges consumere nati* pass their lives in listless inattention and indifference as to what is going on around them, being perfectly content to satisfy the mere cravings of nature, while those who are destined to distinction have a lynx-eyed vigilance that nothing can escape. You see nothing of the Paul Pry in them; yet they know all that is passing, and keep a perfect reckoning not only of every interesting passage, but of all the characters of the age who have any concern in them. It is this that makes that large experience which is the great school of wisdom. This is that thorough and wide extended knowledge of mankind for which all the great men of all ages and countries have been so celebrated, and without which it is impossible that they ever should have been great men.

This is but a meagre sketch of what you have to do if you aspire to a high niche in the temple of Fame. There are all the arrears of past history, ancient and modern, to settle, and all the sciences and arts. Mr. Jefferson was himself a living and walking

encyclopedia—so is Mr. Madison, and Mr. John Q. Adams;—*vita brevis, ars longa.*

There is too much to acquire to expect to become a thorough master of every thing. You will have to make a selection. This was recommended by Mr. Locke, as you will see in the first article of the XCIX No. of the Edinburgh Review. But even with a selection, young as you are, you have no time to lose, if you wish to be one of the first men of the day, and to mix your name, historically, with that of your age and country. It is only by such a struggle with the *aliquid vastum et immensum* that Cicero gained the summit from which his fame still beams, through more than eighteen centuries, to this distant land of ours—and those who would shine imperishably must follow his example.

But I have given you a prelection, instead of a letter, which is more than you bargained for.

I shall be glad to hear from you again, and still more to see you.

Wishing you health, prosperity and happiness here and hereafter,

I remain very truly yours,

WM. WIRT.

In the correspondence of this year, I find another letter on the same subject, and written in a kindred tone with the last, which has been frequently published, and which is, in every point of view, worthy of the notice it has hitherto obtained. It was drawn from Mr. Wirt by the application of a young and meritorious student of the University of North Carolina at Chapel Hill—Mr. H. W. Miller,—who, desiring to obtain the advice of so eminent a master, for his instruction in the study of the law, made the request which brought this reply.

These two letters are not only valuable for the counsel they impart, but they acquire additional interest in these Memoirs from the evidence which they afford that the sympathy in the aspirations of ambitious youth emulous to excel in laudable pursuits, and the zeal to animate the student and teach him the most useful lessons for the guidance of his future life, which characterized the subject of our biography from his earliest manhood, had, in no degree, abated in his declining years: that, throughout his whole career, he was most effectively and consistently the monitor and guide of the rising generation.

TO H. W. MILLER.

BALTIMORE, December 20, 1833.

MY DEAR SIR:

Your letter, dated "University of Chapel Hill, December 12," was received yesterday morning, and although it finds me extremely busy in preparing for the Supreme Court of the United States, I am so much pleased with its spirit, that I cannot reconcile it to myself to let it pass unanswered. If I were ever so well qualified to advise you, to which I do not pretend, but little good could be done by a single letter; and I have not time for more. Knowing nothing of the peculiarities of your mental character, I can give no advice adapted to your peculiar case. I am persuaded that education may be so directed by a sagacious and skilful teacher, as to prune and repress those faculties of the pupil which are too prone to luxuriance, and to train and invigorate those which are disproportionately weak or slow; so as to create a just balance among the powers, and enable the mind to act with the highest effect of which it is capable. But it requires a previous acquaintance with the student, to ascertain the natural condition of his various powers, in order to know which requires the spur and which the rein. In some minds, imagination overpowers and smothers all the other faculties; in others, reason, like a sturdy oak, throws all the rest into a sickly shade. Some men have a morbid passion for the study of poetry—others, of mathematics, &c. &c. All this may be corrected by discipline, so far as it may be judicious to correct it. But the physician must understand the disease, and become acquainted with all the idiosyncracies of the patient, before he can prescribe. I have no advantage of this kind with regard to you; and to prescribe by conjecture, would require me to conjecture every possible case that *may* be yours, and to prescribe for each, which would call for a ponderous volume, instead of a letter. I believe that in all sound minds the germ of all the faculties exist, and may, by skilful management, be wooed into expansion—but they exist, naturally, in different degrees of health and strength, and as this matter is generally left to the impulses of nature in each individual, the healthiest and strongest germs get the start—give impulse and direction to the efforts of each mind—

stamp its character and shape its destiny. As education, therefore, now stands among us, each man must be his own preceptor in this respect, and by turning his eyes upon himself, and descrying the comparative action of his own powers, discover which of them requires more tone—which, if any, less. We must take care, however, not to make an erroneous estimate of the relative value of the faculties, and thus commit the sad mistake of cultivating the showy at the expense of the solid. With these preliminary remarks, by way of explaining why I cannot be more particular in regard to your case, permit me, instead of chalking out a course of study by furnishing you with lists of books and the order in which they should be read, (and no list of books and course of study would be equally proper for all minds,) to close this letter with a few general remarks.

If your *spirit* be as stout and pure as your letter indicates, you require little advice beyond that which you will find in the walls of your University. A brave and pure spirit is more than "*half the battle*," not only in preparing for life, but in all conflicts. *Take it for granted that there is no excellence without great labor.* No mere aspirations for eminence, however ardent, will do the business. Wishing, and sighing, and imagining, and dreaming of greatness, will never make you great. If you would get to the mountain's top, on which the temple of fame stands, it will not do *to stand still*, looking, admiring, and wishing you were there. You must gird up your loins, and go to work with all the indomitable energy of Hannibal scaling the Alps. Laborious study and diligent observation of the world, are both indispensable to the attainment of eminence. By the former, you must make yourself master of all that is known of science and letters; by the latter, you must know *man*, at large, and particularly the character and genius of your own countrymen. You must cultivate assiduously the habits of *reading*, *thinking* and *observing*. Understand your own language grammatically, critically, thoroughly—learn its origin, or rather its various origins, which you may learn from Johnson's and Webster's prefaces to their large dictionaries. Learn all that is delicate and beautiful, as well as strong, in the language, and master all its stores of opulence. You will find a rich mine of instructions in the splendid language of Burke. His diction is frequently magnificent; sometimes too gorgeous, I

think, for a chaste and correct taste; but he will show you all the wealth of your language. You must, by ardent study and practice, acquire for yourself a *mastery* of the language, and be able both to speak and to write it, promptly, easily, elegantly, and with that variety of style which different subjects, different hearers, and different readers, are continually requiring. You must have such a command of it as to be able to adapt yourself, with intuitive quickness and ease, to every situation in which you may chance to be placed, and you will find no great difficulty in this, if you have the *copia verborum* and a correct taste. With this study of the language you must take care to unite the habits already mentioned—the diligent observation of all that is passing around you; and *active, close* and *useful thinking*. If you have access to Franklin's works, read them carefully, particularly his third volume, and you will know what I mean by *the habits of observing and thinking*. We cannot all be *Franklins*, it is true; but, by imitating his mental habits and unwearied industry, we may reach an eminence we should never otherwise attain. Nor would he have been *the Franklin* he was, if he had permitted himself to be discouraged by the reflection that we cannot all be *Newtons*.

It is our business to make the most of our own talents and opportunities, and instead of discouraging ourselves by comparisons and imaginary impossibilities, to believe all things possible,—as indeed, almost all things are, to a spirit bravely and firmly resolved. Franklin was a fine model of *a practical man*, as contradistinguished from a *visionary theorist*, as men of genius are very apt to be. He was great in that greatest of all good qualities, *sound, strong common sense*.—A mere book-worm is a miserable driveller; and a mere genius, a thing of gossamer fit only for the winds to sport with. Direct your intellectual efforts, principally, to the cultivation of the strong, masculine qualities of the mind. Learn (I repeat it) *to think—to think deeply, comprehensively, powerfully*—and learn the simple, nervous language which is appropriate to that kind of thinking.—Read the legal and political arguments of Chief Justice Marshall, and those of Alexander Hamilton, which are coming out. Read them, *study them;* and observe with what an omnipotent sweep of thought they range over the whole field of every subject they take in hand—and that

with a scythe so ample and so keen, that not a straw is left standing behind them. Brace yourself up to these great efforts. Strike for this giant character of mind, and leave prettiness and frivolity for triflers. There is nothing in your letter that suggests the necessity of this admonition; I make it merely with reference to that tendency to efflorescence which I have occasionally heard charged to Southern genius. It is perfectly consistent with these herculean habits of thinking to be a laborious student, and to know all that books can teach.—This extensive acquisition is necessary, not only to teach you how far science has advanced in every direction, and where the *terra incognita* begins, into which genius is to direct its future discoveries, but to teach you also the strength and the weakness of the human intellect,—how far it is permitted us to go, and where the penetration of man is forced, by its own impotence and the nature of the subject, to give up the pursuit;—and when you have mastered all the past conquests of science, you will understand what Socrates meant by saying, that he knew only enough to be sure that *he knew nothing—nothing, compared with that illimitable tract that lies beyond the reach of our faculties.* You must never be satisfied with the surface of things: probe them to the bottom, and let nothing go 'till you understand it as thoroughly as your powers will enable you. Seize the moment of excited curiosity on any subject, to solve your doubts; for if you let it pass, the desire may never return, and you may remain in ignorance.

The habits which I have been recommending are not merely for college, but for life. Franklin's habits of constant and deep excogitation clung to him to his latest hour. Form these habits now: learn all that may be learned at your University, and bring all your acquisitions and your habits to the study of the law, which you say is to be your profession; and when you come to this study, come resolved to master it—not to play in its shallows but to sound all its depths. There is no knowing what a mind greatly and firmly resolved, may achieve in this department of science, as well as every other.—Resolve to be the first lawyer of your age, in the depth, extent, variety and accuracy of your legal learning. Master the science of pleading;—master Coke upon Littleton, and Coke's and Plowden's Reports;—master Fearne on Contingent Remainders and Executory Devises, 'till you can sport

and play familiarly with its most subtle distinctions. Lay your foundation deep and broad and strong, and you will find the superstructure comparatively light work. It is not by shrinking from the difficult parts of the science, but by courting them, grappling with them and overcoming them, that a man rises to professional greatness. There is a great deal of law learning that is dry, dark, cold, revolting—but it is an old feudal castle, in perfect preservation, which the legal architect, who aspires to the first honors of his profession, will delight to explore, and learn all the uses to which its various parts used to be put: and he will the better understand, enjoy and relish the progressive improvements of the science in modern times. You must be a master in every branch of the science that belongs to your profession,—the law of nature and of nations, the civil law, the law-merchant, the maritime law, &c., the chart and outline of all which you will see in Blackstone's Commentaries.

Thus covered with the panoply of professional learning, a master of the pleadings, practice and cases, and at the same time a *great constitutional and philosophic lawyer*, you must keep way, also, with the march of general science. Do you think this requiring too much? Look at Brougham, and see what a man can do if well armed and well resolved. With a load of *professional duties* that would, *of themselves*, have been appalling to the most of *our* countrymen, he stood, nevertheless, at the head of his party in the House of Commons, and, at the same time, set in motion and superintended various primary schools and various periodical works, the most instructive and useful that ever issued from the British press, to which he furnished, with his own pen, some of the most masterly contributions; and yet found time not only to keep pace with the progress of the arts and sciences, but to keep at the head of those whose peculiar and exclusive occupations these arts and sciences were. There is a model of industry and usefulness worthy of all your emulation. You must, indeed, be a great lawyer; but it will not do to be a mere lawyer—more especially as you are very properly turning your mind, also, to the political service of your country, and to the study and practice of eloquence. You must, therefore, be a political lawyer and historian; thoroughly versed in the constitution and laws of your country, and fully acquainted with all its statistics, and the history

of all the leading measures which have distinguished the several administrations. You must study the debates in Congress, and observe what have been the actual effects upon the country of the various measures that have been most strenuously contested in their origin. You must be a master of the science of political economy, and especially of financiering, of which so few of our young countrymen know any thing. The habit of observing all that is passing, and thinking closely and deeply upon them, demands pre-eminently an attention to the political course of your country. But it is time to close this letter.

You ask for instructions adapted to improvement in eloquence. This is a subject for a treatise, not for a letter. Cicero, however, has summed up the whole art in a few words: it is—"*aptè—distinctè—ornatè dicere*"—to speak to the purpose—to speak clearly and distinctly—to speak gracefully. To be able to speak to the purpose, you must understand your subject and all that belongs to it;—and then your thoughts and method must be clear in themselves and clearly and distinctly enunciated:—and lastly, your voice, style, delivery and gesture, must be graceful and impressive. In relation to this subject, I would strenuously advise you to two things: Compromise much and often, and carefully, with reference to this rule of aptè, distinctè, ornatè; and let your conversation have reference to the same objects. I do not mean that you should be elaborate and formal in your ordinary conversation. Let it be perfectly simple and natural, but always in good time, (to speak as the musician) and well enunciated.

With regard to the style of eloquence you should adopt, that must depend very much on your own taste and genius. You are not disposed, I presume, to be an humble imitator of any man? If you are, you may bid farewell to the hope of eminence in this walk. None are mere imitators to whom nature has given original powers. The ape alone is content with mere imitation. If nature has bestowed such a portion of the spirit of oratory as can advance you to a high rank in this walk, your manner will be your own. In what style of eloquence you are best fitted to excel, you, yourself, if destined to excellence, are the best judge. I can only tell you that the florid and Asiatic style is not the taste of the age. The strong, and even the rugged and abrupt, are far more suc-

cessful. Bold propositions, boldly and briefly expressed—pithy sentences—nervous common sense—strong phrases—the *felicitè audax* both in language and conception—well compacted periods—sudden and strong masses of light—and apt adage in English or Latin—a keen sarcasm—a merciless personality—a mortal thrust—these are the beauties and deformities that now make a speaker the most interesting. A gentleman and a christian will conform to the reigning taste so far only as his principles and habits of decorum will permit. The florid and Asiatic was never a good style either for an European or an American taste. We require that a man should speak to the purpose and come to the point;—that he should instruct and convince. To do this, his mind must move with great strength and power: reason should be manifestly his master faculty—argument should predominate throughout; but these great points secured, wit and fancy may cast their lights around his path, provided the wit be courteous as well as brilliant, and the fancy chaste and modest. But they must be kept well in the back ground, for they are dangerous allies; and a man had better be without them, than to show them in front or to show them too often.

But I am wearying you, my dear sir, as well as myself. If these few imperfect hints on subjects so extended and diversified, can be of any service to you, I shall be gratified. They may, at least, convince you that your letter has interested me in your behalf, and that I shall be happy to hear of your future fame and prosperity. I offer you my respects and tender the compliments of the season.

WM. WIRT.

Our Memoirs draw to a close. Christmas, 1833, found Mr. Wirt cheerful;—mentally, as vigorous as ever. In bodily health, he had been declining for some years past. Latterly he had grown somewhat stronger, and he looked forward to the future with pleasant hopes;—a graver man than in the prime of his days, but still, with an eye that delighted in the radiance of a cheerful prospect, and with a heart that was warmed by the glow of social feeling. A more severe, and we may call it a richer light, tinted with less ardent but softer ray, played over the western horizon of his days, as their sun dipped nearer to its verge.

"In January,"—he had lately written to Judge Randall—"we shall all go down to Washington and pass the winter, till about the 20th of March, and next summer we shall go to the Springs. And, if we succeed in Florida, we shall probably be with you after two winters more—if we all live so long. I am in good health, now, thank Heaven! but quite lean. The rest of us are well. Can't you and our dear L. contrive to meet us at the White Sulphur, next summer."

Within a month after the date of the letter from which this short extract is taken, Christmas came. I have two records to show that this day did not pass without many pleasant thoughts in the mind of Mr. Wirt, and that the treasures of friendship had lost nothing of that high appreciation he was wont to set upon them. The two dearest friends of his youth, his manhood and his age were fondly remembered.

To Judge Carr, he writes:

"This is a day when all our kindest reminiscences and feelings are awakened. To whom can I offer a 'merry Christmas' with a warmer and truer heart than to you? Certainly, to no one out of the bosom of my own family. Merrier Christmases we have both seen, than, I suppose, we shall ever see again. For the days of thoughtless mirth, when we could laugh at any thing or nothing by the hour, are gone. But cheerful Christmases we may still have, for our hearts have not yet grown cold. Never, I feel confident, shall we turn a cold heart to each other. I have not felt satisfied at being so long in arrears to you—but I am always, somehow, busy, and the golden hour for a letter to a friend never seems to offer itself—the hour of ease when no neglected duty haunts; when we have nothing to do but to follow with our pens the wanderings of our hearts. I wish mine would keep among the flowers, and never wander among the thorns, as it is too apt to do. Herein, as in most other things, you are a model for us all. You choose to see only the rosy side of things. You are wise,—unless we could pluck away the thorns, by thinking of them. But this only gives them more point and makes them more troublesome.

"I am rattling among the dry bones of my records for the Supreme Court. We go down on the 11th of next month. My

health is so good that I hope to be able to bear all the labors of the winter without flinching, and to meet you at Lewisburg next summer, in better plight than I did last. May God bless you all, and make you as happy as your hearts can desire!"

To Judge Cabell, he writes on the same day:

"A merry Christmas to you, my dear C. and to all your fireside! I said to Mrs. W. just now, 'let us send for Dr. H. and Cabell to help us to make egg-nog for our company.' Poor, dear H.! Do you remember how delighted he was with his occupation at our sideboard, in the dining room of our white house in Richmond? How he would talk and beat away, and laugh, and walk across the room occasionally to the fire place? I think I can see him now, every moment hear his voice, see his dry, funny smile, and smack of his lips on tasting the egg-nog—and the wise shake of his head—'it is mighty near right, but not quite: I think it wants a *little* more spirit—what do you think, Mr. Cabell?' Bless his old heart, I say again! Alas!—How long has it been since that excellent heart has ceased to beat! Oh world! world! this poor bargain of life!—if bargain it may be called, in which we had no voice. Yet, what an excellent bargain we used to think it in those days, when we were in the prime of our manhood, doing well, and all our friends living and smiling around us.

"I believe the happiest time of a man's life is after he marries and sees a family of young children growing around him;—especially, if they are all fine children—and he has an excellent and affectionate wife, and a circle of friends who admire and love him. This happy state we have both known. Our hopes and imaginations were all bright and buoyant, and painted the future only in colors of love and joy. Alas, how have these hopes been realized! Where are all those dear children? Where are all those friends? What is our condition? The world is the same, the planet keeps its place, the seasons revolve, and the young world still smiles. But, what are we!

'Away with melancholy,
Nor doleful changes ring
On life and human folly,
But merrily, merrily, sing—fol la.'

"So, I frequently break short this train of reflection and try to sing, sure enough;—but my voice sounds to me like bitter mockery, and my song ends in a sigh that shakes my inner man.

"If you suppose I think this wise and commendable, you are mistaken. I know it is weak and foolish. I know that the only course of wisdom is to do our duty with firmness and alacrity—to do all the good we can to our own families and our fellow-creatures, and to resign ourselves to the course of Providence. It is only the sanguine and unreflecting whom old age or misfortune takes by surprise, who suppose that there is any thing novel or peculiar in their case."

The next mail from Florida, after the date of these two letters, brought Mr. Wirt sad tidings, in announcing to him the death of his daughter, Mrs. Randall, who sank under the attack of a pulmonary disease, on the 17th of December. This blow struck upon a breast already armed with patience and resignation. It excited no wild emotion nor bitter outbreak of grief, but it deepened the shadow which previous affliction had cast upon his mind.

"I look upon life as a drama"—he writes on this occasion to Judge Cabell—"bearing the same sort, though not the same degree of relation to eternity, as an hour spent at the theatre and the fictions there exhibited for our instruction, do to the whole of real life. Nor, is there any thing in this passing pageant worth the sorrow that we lavish on it. Now, when my children or friends leave me, or when I shall be called to leave them, I consider it as merely parting for the present visit, to meet under happier circumstances when we shall part no more."

In January, he repaired to Washington to attend the usual term of the Supreme Court. His engagements for this term were numerous. Amongst them were several causes of more than ordinary weight and importance. He had regularly attended the sittings of the court, until the 8th of February. His health was visibly improving, even in the midst of these labors, and his mind was growing more cheerful. What followed may be read, in a letter which was written towards the end of the month, by a distinguished gentleman who was then in attendance upon the court, a warm friend of Mr. Wirt's, and an anxious observer of the event.

"On the evening of Saturday, the 8th, Mr. Wirt was in playful spirits, and sanguine of the success of an argument which he was to make in court on Monday. He felt better satisfied with his preparation, he said, than with any he had made for years before. On Sunday he walked to the Capitol to church. It was a damp chilly day, and the Representatives' Hall was crowded and warm. To go immediately from it, into the cold, damp air, and to walk slowly, as he did, a mile to his lodgings, might have been deemed imprudent in one whose health was less precarious than his then seemed.

"That night he complained of a slight indisposition, and in the family worship of the evening prayed with an unusal fervor and, seemingly, a foreboding spirit, which he communicated not, save to his God. But even this was sufficient to excite vague apprehensions in a family always ready to note and dwell upon whatsoever might seem to bode danger to a friend so dear.

"On Monday he was confined to his room. No serious apprehensions were entertained, but a physician was called in—it was only a cold. On Tuesday, he was worse, but we feared not the result.—On Wednesday, he was much worse.—So much so as to excite alarm. On the evening of this day it was discovered that the disease was erysipelas—a new enemy, of which Mr. Wirt then expressed his fears—'it was not the foe with which he had been so long accustomed to contend.'

"His constitution was too weak, as the physicians apprehended, to stand the vigorous treatment which would have been most efficient in destroying the disease. By Friday, the alarm had become very serious. The door was crowded by anxious enquiring friends.

"On Saturday, scarcely a glimmer of hope was left us. Death, from the first day of his illness, had continued to approach with a steady pace, and in a form more than usually hideous. The fine countenance so bright with intellect, so beaming with benevolence, was sadly altered.

"The attending physicians were Doctors Hunt and Hall. None could have been more anxiously attentive. The latter staid by him every night, for the last four or five.

"About noon, on Monday, consciousness returned, and he had power to speak a few words. Nature had made a last effort to

permit him to take leave of his family and friends, to give them assurance that he died in christian hope, and to join with them in prayer to God. The Reverend Mr. Post officiated. In so much of the prayer as related to his family and his own acceptance with Heaven, he seemed heartily to join; but when a petition was offered that he might be restored to health, he audibly dissented—no, no!

"During the last eighteen hours he was tranquil as a child. Tuesday morning life flickered more faintly and all pulse was gone." He died at eleven o'clock on that morning, February 18th, 1834."

This sad event concludes our narrative of the life of a man who combined, in the most beautiful proportions, great talents with great virtues, and whose example is equally illustrious for the instruction it imparts towards the improvement of the mind, and of the affections.

Wherever the announcement of the death of William Wirt was heard, it was received with unaffected sorrow. At the Capital, persons of every condition and of all political parties, united in a sincere tribute to that exalted worth which had no enemies, and which had a friend in every ingenuous heart.

On the 18th, the Supreme Court, immediately upon its meeting, adjourned until the following day. The members of the Bar assembled in the court room. The Attorney General, Mr. Butler, was called to the chair, and Mr. Sergeant of Philadelphia was appointed secretary,—when Mr. Webster addressed the meeting as follows:

"It is announced to us that one of the oldest, one of the ablest, one of the most distinguished members of this Bar, has departed this mortal life. William Wirt is no more! He has this day closed a professional career among the longest and most brilliant, which the distinguished members of the profession in the United States have at any time accomplished. Unsullied in everything which regards professional honor and integrity, patient of labor, and rich in those stores of learning, which are the reward of patient labor and patient labor only; and if equalled, yet certainly allowed not to be excelled, in fervent, animated, and persuasive eloquence, he has left an example, which those who seek to raise

themselves to great heights of professional eminence, will, hereafter emulously study. Fortunate, indeed, will be the few who shall imitate it successfully!

"As a public man, it is not our peculiar duty to speak of Mr. Wirt here. His character, in that respect, belongs to his country, and to the history of his country. And, sir, if we were to speak of him in his private life and in his social relations, all we could possibly say of his urbanity, his kindness, the faithfulness of his friendships, and the warmth of his affections, would hardly seem sufficiently strong and glowing to do him justice, in the feeling and judgment of those who, separated now forever from his embraces, can only enshrine his memory in their bleeding hearts. Nor may we, sir, more than allude to that other relation, which belonged to him, and belongs to us all; that high and paramount relation which connects man with his Maker. It may be permitted us, however, to have the pleasure of recording his name, as one who felt a deep sense of religious duty, and who placed all his hopes of the future, in the truth and in the doctrines of christianity.

"But our particular ties to him were the ties of our profession. He was our brother and he was our friend. With talents, powerful enough to excite the strength of the strongest, with a kindness both of heart and of manner capable of warming and winning the coldest of his brethren, he has now completed the term of his professional life and of his earthly existence, in the enjoyment of the high respect and cordial affections of us all. Let us then, sir, hasten to pay to his memory the well deserved tribute of our regard. Let us lose no time in testifying our sense of our loss and in expressing our grief, that one great light of our profession is extinguished forever."

This speech was concluded by a series of resolutions expressive of the respect of the bar, and their condolence with the family of the deceased. Mr. Southard was selected by this meeting to pronounce a discourse upon Mr. Wirt's professional character and virtues; and a committee appointed to request that the body might be interred in the City of Washington, and the professional brethren of the deceased be permitted to raise a suitable monument to his memory.

On the next day, the Attorney General, in compliance with the instructions of this meeting, presented its proceedings to the Court, concluding an appropriate reference to the subject, with these words—

"It, therefore, only remains that I should ask in the name of the assembled bar—and, in reference to such a man as William Wirt, I may add, in the name of the whole legal profession of our country,—that this humble tribute to ability and worth, this faint but sincere expression of deep regret, be incorporated in the records of this Court."

Chief Justice Marshall replied—

"The Court have received intelligence of the afflicting event which has produced the meeting of the Bar, and the application just made, with those emotions which it was but too well calculated to excite. I am sure I utter the sentiment of all my brethren when I say we participate sincerely in the feelings expressed from the Bar. We, too, gentlemen, have sustained a loss it will be difficult, if not impossible, to repair. In performing the arduous duties assigned to us, we have been long aided by the diligent research and lucid reasoning of him whose loss we unite with you in deploring. We too, gentlemen, in common with you, have lost the estimable friend in the powerful advocate. Most heartily do we assent to the motion which has been made."

The funeral took place on the 20th. The highest honors were rendered to it. Both Houses of Congress adjourned to enable their members to attend the body to the tomb. Such a proceeding had never yet been accorded by the National Legislature, except to deceased members of one or the other House. In the procession were seen the President of the United States, the Vice-President, the Heads of Departments, the Diplomatic Corps, the Bench and Bar of the Supreme Court, the members of the two Houses of Congress, officers of the Army and Navy, and a large concourse of private citizens. The body was conducted to the National Cemetery, and around the tomb were gathered the most illustrious of the land. Adams, Jackson, Calhoun, Van Buren, Marshall, Story, Clay, Webster, Southard, Taney, Binney, Sergeant, Woodbury, Everett, Cass, Generals Scott and Macomb, Rogers and Chauncey, and many others whose renown in council, in court, in camp and on sea, have added lustre to the

history of the nation, were the witnesses to the laying down of the remains of William Wirt in their last resting place.

The proceedings of the House of Representatives on the 21st of February, are worthy of special notice. They afford us an opportunity to record an eloquent tribute from John Quincy Adams to the merits of his friend and companion through many years of public service. No one could speak more authentically of Mr. Wirt than Mr. Adams. No praise could be more sincere nor more discriminating than his. I give the proceedings to which I refer, as I find them in the journals of the day.

"When the Speaker (Mr. Stevenson, of Virginia,) called the House to order,

"Mr. Adams addressed him, before the reading of the journal, as follows—

"Mr. Speaker, a rule of this House directs that the Speaker shall examine and correct the journal *before* it is read. I, therefore, now rise, not to make a motion, nor to offer a resolution, but to ask the unanimous consent of this House to address to you a few words, with a view to an addition which I wish to be made to the journal, of the adjournment of the House yesterday.

"The Speaker, I presume, would not feel himself authorized to make the addition in the journal which I propose, without the unanimous consent of the House; and I therefore now propose it before the reading of the journal.

"I ask that, after the statement of the adjournment of the House, there be added to the journal, words importing that it was to give the Speaker and members of the House the opportunity of attending the funeral obsequies of William Wirt.

"At the adjournment of the House on Wednesday, I did not know what the arrangements were, or would be, for that mournful ceremony. Had I known them, I should have moved a postponed adjournment, which would have enabled us to join in the duty of paying the last tribute of respect to the remains of a man who was an ornament of his country and of human nature.

"The customs of this and of the other House of Congress, warrant the suspension of their daily labors in the public service, for attendance upon funeral rites, only in cases of the decease of their own members. To extend the usage farther might be attended with inconvenience as a precedent, nor should

I have felt myself warranted in asking it upon any common occasion.

"Mr. Wirt had never been a member of either House of Congress. But if his form in marble, or his portrait upon canvass, were placed within these walls, a suitable inscription for it would be that of the statue of Moliere in the Hall of the French Academy—'Nothing was wanting to *his* glory: *He* was wanting to ours.'

"Mr. Wirt had never been a member of Congress; but for a period of twelve years, during two successive administrations of the National Government, he had been the official and confidential adviser, upon all questions of law, of the Presidents of the United States; and he had discharged the duties of that station entirely to the satisfaction of those officers and of the country. No member of this House needs to be reminded how important are the duties of the Attorney General of the United States, nor risk I contradiction in affirming that they were never more ably or more faithfully discharged than by Mr. Wirt.

"If a mind stored with all the learning appropriate to the profession of the law, and decorated with all the elegance of classical literature; if a spirit imbued with the sensibilities of a lofty patriotism, and chastened by the meditations of a profound philosophy—if a brilliant imagination, a discerning intellect, a sound judgment, an indefatigable capacity, and vigorous energy of application, vivified with an ease and rapidity of elocution, copious without redundance, and select without affectation—if all these, united with a sportive vein of humor, an inoffensive temper, and an angelic purity of heart—if all these in their combination are the qualities suitable for an Attorney General of the United States—in him, they were all eminently combined.

"But it is not my purpose to pronounce his eulogy. That pleasing task has been assigned to abler hands, and to a more suitable occasion. He will there be presented in other, though not less interesting, lights. As the penetrating delineator of manners and character in the British Spy—as the biographer of Patrick Henry, dedicated to the young men of your native commonwealth—as the friend and delight of the social circle—as the husband and father in the bosom of a happy, but now most afflicted family—in all these characters I have known, admired and loved

him—and now, witnessing, from the very windows of this Hall, the last act of piety and affection over his remains, I have felt as if this House could scarcely fulfil its high and honorable duties to the country which he had served, without some slight, be it but a transient notice of his decease. The addition which I propose to the journal of yesterday's adjournment, would be such a notice. It would give his name an honorable place on the recorded annals of his country, in a manner equally simple and expressive. I will only add that, while I feel it peculiarly incumbent upon me to make this proposal, I am sensible that it is not a fit subject for debate—and, if objected to, I desire you to consider it as withdrawn."

"The Chair stated that the rule in reference to the journal which had been read, referred to the duties of the Speaker when *out* of the Chair, not *in* it. The Speaker had not felt himself warranted to insert any further record in the journal of yesterday, than the simple fact of the adjournment: but if it was the pleasure of the House that the clause proposed should be added, the Chair would most cheerfully assent.

"Mr. J. K. Mann, of Pennsylvania objecting—

"Mr. Blair, of South Carolina, enquired whether the pleasure of the House could be obstructed by the objection of a single member?

"The Chair said, that if a motion should be made, a majority of the House could, of course, have their journal modified to suit their own pleasure.

"Mr. Adams then observed, that he had hoped no objection would have been made; but as it seemed not to be sustained by the general sense of the House, he would renew his motion that the clause he had read be added to the journal of yesterday's proceedings.

"The question being put, it was agreed to without a division, by nearly an unanimous vote."

Whilst these scenes occupied those who sojourned in the Capital of the United States, the tidings which diffused through the country the knowledge of the loss it had sustained, were everywhere received with becoming expressions of respect and mourning. The Bench and Bar, in almost every State, paid the honors of a recorded testimony to their opinion of the merits of William

Wirt. A large circle of friends in Maryland and Virginia—the first, the land of his birth and latest residence, the other that of his most cherished associations lamented him, gone, with an affectionate remembrance which few men were able so profoundly to inspire; and that nearer group, which nature had allied to his blood and kindred, ever amongst whom, his "coming was a gladness" and his presence a centre of continual joy and love—bewailed his loss with a grief too sacred for the intrusive notice of these pages.

CHAPTER XXI.

HIS PERSONAL APPEARANCE.—MANNERS.—CONVERSATION.—THE NIGHT OF THE SNUFF BOX.—HIS FONDNESS FOR YOUNG PERSONS.—SCENE AT ANNAPOLIS.—REMEMBRANCE OF OLD FRIENDS.—LOVE OF MUSIC.—STORY-TELLING.—SCENES AT BERKELEY DURING THE CHOLERA.—DOGGREL VERSES.—EPIGRAM.—PROFICIENCY IN CLASSICAL STUDY.—SENECA.—PROFESSIONAL CHARACTER.—STYLE OF HIS ORATORY.—HIS MANNER OF SPEAKING.—PREPARATION.—DISLIKE OF DINNER-TABLE SPEECHES.—HIS RELIGIOUS CHARACTER.—EARLY IMPRESSIONS.—ACTIVE PARTICIPATION IN BENEVOLENT SOCIETIES.—THEOLOGICAL STUDIES.—PREFACE TO RENNELL'S "REMARKS ON SCEPTICISM."—HIS RELIGIOUS TOLERANCE.—DISLIKE OF ENTHUSIASM.—SINCERITY OF CHARACTER.

In the prime of his life Mr. Wirt was remarked for his personal beauty. With a tall figure, ample chest and erect carriage, there was no great appearance of muscular strength, but a conspicuous ease and grace of motion. His head was large and in good proportion to his frame; the features of his face strongly defined. A large nose, thin and accurately formed lips, a chin whose breadth gave to his countenance an approximation to the square rather than the oval outline, clear dark blue eyes looking out beneath brows of widest compass, and the whole surmounted by an expanded and majestic forehead, imparted dignity and intellectual prominence to a physiognomy which the sculptor delighted to study. A curled, crisp and vigorous growth of hair,—in his latter days almost white,—clustered upon his front and gave an agreeable effect to the outline of his head and face.

Towards the close of his life, severe study and the infirmities of his constitution had made a visible trace upon his exterior. He lost somewhat of his firm and perpendicular port; his complexion became sallow; his eye faded into a lighter blue, though it grew even kindlier in expression.

His letters sufficiently indicate the character of his manners. They were gentle, courteous and winning. His voice was clear and sweet, and variously modulated by an ear of the finest musical perception. His laugh, never boisterous, was sly, short and full of the gaiety of his temper. Few men ever had a keener insight

of the ludicrous. It never escaped him, however little he might be on the watch for it. Sterne, for this reason, amused him, above all other authors in light literature. The quiet humor of Tristram Shandy and those exquisite drolleries which lie in ambush in every page, were the most familiar recollections of his reading. Many of them may be found covertly lurking through his letters.

His conversation was exceedingly attractive. It seldom fell into discourse, but played with all kinds of amusing topics. It was suggestive, provoking thought in others, and fortifying them with opportunity to contribute somewhat to the purpose, from their own reflection or memory. No man was more free from that odious habit of endeavoring to say "smart things" which sometimes mislead even persons of good repute for social talent.

Wirt's playfulness was contagious. It made his friends forget the time which was running by, and even the good cheer of a convival meeting. An amusing evidence of this occurred in Baltimore, before he became a resident of that city. He was returning one night, about ten o'clock, to his lodgings from a visit, when his friend Meredith met him in the street, and invited him to join a little family party, at his house, at supper. Wirt either doubtful whether his friend was in earnest—for the character of the intercourse between them often rendered this a difficult point to determine—or struck with the incongruity of his challenge to a supper when he was about retiring to his bed, answered Meredith's invitation in a jocular way,—saying, "yes, I'll come, and I'll give you enough of it." On Meredith's return home he found there Dr. Pattison,—who was then a resident of Baltimore, now a distinguished physician of Philadelphia—and detained him to supper. Wirt had not come when the party sat down to table, and Meredith had ceased to expect him,—when, near the conclusion of the supper, he made his appearance. He took his seat, ate very moderately and drank less. The supper was removed, and Wirt gave an intimation to the ladies who were present, that, as it was bed time, they had better retire. They obeyed, and Meredith, the Doctor and Wirt, found themselves sitting at the table alone. The cloth was drawn, and a small residuum of a decanter of Scotch whiskey, perhaps, was the only drinkable before them. That remained untouched, and was finally taken away. A snuff box was placed on the table, and the party, as Meredith and

Doctor Pattison supposed, was about to break up,—it being after midnight. But Wirt was in excellent mood for conversation, and gave full play to all his resources He took snuff freely, told stories of a lively cast, mooted questions of science of the gravest as well as the lightest import, provoked jocular discussions, and, in short, raised his comrades to a key of enjoyment as high as his own. No one thought of the hour. They were eventually aroused to a consideration of the time they had spent over their solitary snuff box, by the entrance of the servant and the opening of the shutters, which disclosed to them the broad day light. Wirt had premeditated this adventure, and was greatly amused at his success when he found his companions expressing their amazement at this unconscious lapse of the night.

The simplicity and sincerity of his manners attracted to him the friendship of persons of every class; but they seemed to win, in an especial degree, the confidence of the young. He was very fond of boys. They are apt to discover this trait in their friend, and to presume upon it. In this respect they have something resembling that canine instinct, by which dogs seem to know from whom they may expect caresses. I remember, on one occasion, to have seen Mr. Wirt rather annoyed by this.

The Court of Appeals of Maryland hold their summer term at Annapolis in June and July. The members of the bar from various parts of the State assemble here at this season, and are generally lodged in one hotel. When Mr. Wirt was Attorney General he regularly attended this court. He and Mr. Meredith usually occupied a large comfortable chamber in the hotel in common, when the house was too much crowded to allow them separate apartments. In that day, Annapolis had not fully advanced to that stage in modern progress, which made the traveller always sure of a single-bedded room,—even in this, the chief tavern of the city. Most of the rooms of this house were still arranged in the old fashion,—very large, with several windows to each room, and these generally without shutters. Each chamber furnished accommodation for a little squad of legislators in winter, and of lawyers in the summer.

The weather, during the sitting of the court, was often very hot. The bench and bar made a mess who dined together; and it was usual after dinner, when the allowance of champagne was

exhausted, to spend an hour in the evening *siesta*. Sometimes, instead of sleeping, several gathered together in one room, and amused themselves in that easy and sportive story-telling diversion, which is characteristic of the leisure of the profession. Wirt's and Meredith's room was apt to be the resort of a little "college of wit-crackers" at these times. Not unfrequently, two or three might be seen stretched on one of the beds, with their feet set up against each bed post, whilst Wirt in a loose, light wrapper, either walked the room or sat in the breeze of the window, indulging in all kinds of waggery,—especially, against M—— who was very able to take care of himself in these encounters,—or talking over old scenes of the Virginia bar, or suggesting odd questions for debate: in short, amusing the company with whatever crotchet his playful mind invented. As the sun went down, his thoughts were directed to a swimming party in the Severn, which was a favorite recreation after a hot day. "The hour is come"—I have heard him say:—"Let us be off boys." Every one gladly obeyed his summons; and some eight or ten set out for the college green, which jutted down, in a beautiful promontory, upon an exquisite sheet of clear water. This formed a secluded little lake in the rear of St. John's College, shaded by the dark foliage which overhung a large portion of its margin. On one occasion, whilst our party was in the water, the boys of the college had taken possession of a neighboring point of land, which gave them access to the same swimming ground. This troop had no sooner got afloat, before they became aware that the Attorney General was on the deep. He might be descried by that white curly head, and by the laughing face with which he buffetted the wave. In this unsophisticated state, the boys seemed to think all distinctions of rank and age were broken down, and so, with one accord, the whole squadron directed their course towards him, surrounded him, as hounds the swimming stag, contracted their circle and commenced upon him a furious onslaught in showers of water dashed upon him with their hands. His laugh was heard ringing above the clamor around him, and his hand was seen returning the blow as steadily as the best of them; but overcome, at last, he was obliged to beg for quarter. The boys having won the victory, retired. The Attorney General, too good-natured to chide, found it necessary

to be more careful afterwards in the selection of his hour for bathing.

He delighted in old remembrances of pleasant persons and things, meditating on the good he had observed in character, and charitably passing over the bad. "In the whole of my intercourse with him"—said a gentleman who knew him well—"I never heard a remark fall from his lips that was tainted with bad feeling. His heart appeared to have his memory in keeping, and though his sarcastic observation sometimes induced him to pour forth sallies lively and severe, there was always some redeeming praise to shield the breast from the dart he aimed at it. He would not, for worlds, have purchased a smile at the expense of the feelings of a friend."

He took pleasure in speaking of the merits of persons in humble life—old comrades or old servants,—especially such as had been roughly handled by the world. The slightest kindness was indelibly engraven upon his heart. He never forgot the author of it, nor his generations. The children and the children's children of an early benefactor received his acknowledgments and useful service whenever the fortune of life brought them to his notice.

He had a great fondness for music, and no small proficiency in it. He often amused himself with writing down tunes from his memory, and, perhaps, sometimes composing in a small way. This taste induced him to cultivate the musical talent of his children; and they all excelled in the art. Many friends in Washington and Baltimore will remember the pleasant family concerts which the group around Mr. Wirt's fireside were accustomed to supply. During that period when the cholera detained him and his household at Berkeley Springs,—in August and September 1832—those who were there with him cannot forget the well arranged little musical parties of the evening, in which he and his children were the only performers. Being myself, for a portion of this time, one of the company, I recall, with especial interest, the incidents of our sojourn. In September, the Springs were nearly deserted. Not more than twenty persons remained to occupy two large houses which, a few weeks before, had been full. Mr. Wirt's family, with half a dozen other individuals, lodged in one house. During the day-time we rode on horseback, bathed, and lounged about the deserted grounds. In our rides we sometimes visited

the country people, where Mr. Wirt found a great entertainment in learning all about them. He picked up, on these occasions, some materials for ghost or witch stories, which he treasured up for use in the evening. When night came, the little party of lodgers gathered into a small parlor where there was a piano, and our concert began. When that was finished and the bed hour was at hand, all were summoned around Mr. Wirt to hear a most horrifying tale of witchcraft, or of a haunted wood, or of the horse that could see a spectre. He began these stories with such an exciting prelude of his own apprehensions, and with such a foreshadowing of what was to come, that the listeners grew exceedingly eager and serious, and huddled together as near as they could draw their chairs. The story was artfully managed to keep up this interest; and although the ghost, at the end, was apt to turn out to be no ghost after all, the great amusement of the evening was to see with what faint-heartedness the younger portion of the auditory took their candles and set off to walk to their distant sleeping rooms, through the long naked passages of the empty house, where every foot-fall gave back a fearful echo that made their hearts quake. They departed generally in mass,—then broke into pairs: the rapid beat of footsteps,—a shriek—and a laugh told very distinctly the serio-comic terrors of the journey to the bed room.

The expectation of a fresh story every night, and the gratification of it, gave zest always to the hour, and converted the sojourn at the Springs, during the period of the pestilence, into another Decameron, not unlike that which Boccacio has made immortal.

Mr. Wirt once said to a friend, that, in looking over his old papers, he was amused to discover he had sometimes fancied himself a poet. I find, amongst the relics of his manuscript, some little evidence of this fancy. He never very assiduously cultivated the art of rhyme, but he still had a facility in it which he would not have found it difficult to improve. His intercourse with Judge Tucker, Judge Cabell and his brother, and some other intimate friends, whilst he lived in Richmond, furnished frequent occasion for wit in doggrel and fun in rhyme, which was not sparingly improved. I find some songs which belong to this association, and some sallies of pleasantry which afford better memorials of the free jollity and fellowship and sparkling good humor of the com-

rades than of the skill with which they compacted their verses. More to commemorate the former quality than the latter, I have selected the following specimen of this intercourse.

Judge Tucker had submitted to the criticism of his friend what he called "a Pindaric Ode," by "Jonathan Pindar." It was a political satire against some proceedings in New England, and professed to come from that quarter. Mr. Wirt's reply is directed to Jonathan Pindar, in something of an imitation of the metre of the ode.

"Now, brother Jonathan, I vow
I think as how,
Your ode is very, very good;
I do, by blood!
It has the fire
Of the Theban lyre.
And still that fire covered with the cinder,
Marks the sly humor of the British Pindar.
If short it is as McM—h—n has said,
(Whose works, I guess, you must have read)
'Tis a Pindaric Ode, I swear,
'In imitation of Shakspeare.'

But yet with due submission, I must say
That once or twice your rhymes have gone astray:
For instance—neither to my eye or ear
Does it appear
That 'Bernard'
Forms a very happy rhyme to 'earned.'

Again, I pray,
As I am ignorant of the scaly nation—
—'I only ask for information.'
(Like Diddler in the play.)
I wish to know if whales
Have scales?
I do confess I know not much about it,
But yet, I doubt it.

I further do suspect that 'Endicott'
Presents no lawful rhyme to 'cut.'
Unless my ear be lame
The sounds are just the same.
You can't deny it sir, the thing is plain;
For, first 'tis Endicott, then 'cut' and come again.

Besides, it is not clear
At least, to my dull ear,
As happy as I own the thought to be,
That 'weaned'
And 'stained'
In point of rhyme do very well agree;
Unless, to make it plain,
I, like an Irishman, would call 'wean' 'wain.'

Also, with bow most humble
To Mr. Trumbull,
Crown'd, as he is, with glory's halo bright,
I do not think his 'Putnam'
And 'mutton 'em'
The very happiest rhyme that ever came to light.
In point of tone 'tis somewhat Hudibrastic,
The thought, too, sprightly and elastic:
And, being so much like Sir Hudibras,
For *once* might pass.
But from a second time, I think
That I should shrink.
Borrowing, I own, is not a crime,
But if I were to borrow,
(A thing which I should ever do with sorrow)
It should be something better than that rhyme.

Once more, sir, by your leave,
Although I see
I've spoiled your glee,
And that you'd gladly have a short reprieve:
As you're a Yankee
I would thank 'ye
To say if it be true that Yankee mothers
Do give the same
Baptismal name
Unto two Yankee brothers?
If not, sir, tell me, I request,
By whom your ode is signed—*to* whom addressed?

Thus, sir, instead of brilliant witticisms,
I greet you with a set,
As dull as poet ever yet did fret,
Of hypercriticisms.
Alas!—what stuff I write!
Heighho!—good night!"

Here is an epigram from an Album:

"Pray can you tell me why"—said Tom to Will,
"A lady's Album is so hard to fill?"—
"Because"—says Will—"the lady wit exacts,
And wit cannot be raised by direct tax."
"It is a poll tax, William"—Tom replies.
"Then it is worse and worse, sir," William cries.
"An *equal* tax from every head exacted!
Blood from a turnip, sir, was ne'er extracted."

Wirt's sins, in this kind, were not very flagrant. What I have brought to light, therefore, may claim indulgence. I should not have produced them at all, were it not that I do not consider my task complete without exhibiting every side of the character I am describing, as it was seen to his friends.

I proceed to the graver lineaments of this character. Mr. Wirt was a highly cultivated and well read Latin scholar. Few men possessed a nicer perception of the critical beauties of the classical authors in that language, or found greater enjoyment in the study of their philosophy. He knew nothing of Greek, and often deplored his neglect of it. But, in the literature of the Latin language he was highly conversant. There was scarcely a good idea in Seneca, Quintilian, Horace and their brother moralists and poets—I have this from the personal knowledge of a gentleman (himself a ripe and accomplished scholar) who, as a student, had constant access to Mr. Wirt's books—that was not marked and marked again in his copies of their works. A pocket edition of Horace was his constant companion upon his journeys. Seneca was his favorite. He often snatched up the old vellum bound copy—says my informant,—which he read so frequently, and exclaimed—"I like this old fellow: he is so full of meaning. They accuse him of false fire. But, for my part, I admire his antithetical style. His sentences are so pointed and brilliant; and he sometimes reasons so like a christian philosopher, that one can scarcely tell how he came by his notions."

In more than one letter which I have introduced into these volumes, the reader has observed with what unction he employed himself, in the latter portion of his life, in the re-perusal of Cicero's works, and with what a just appreciation of their

merits, both in matter and diction, he passed his judgment upon them. This devotion to classical literature enabled him often at the bar to make a felicitous illustration of a thought in the words of an ancient author, in which his success never failed to attract attention. "In the company of men of letters,"—he was accustomed to say—"there is no higher accomplishment than that of readily making an apt quotation from the classics; and before such a body as the Supreme Court these quotations are not only appropriate, but constitute a beautiful aid to argument. They mark the scholar,—which is always agreeable to a bench that is composed of scholars."*

The reader has had constant occasion to remark, throughout this Memoir, Wirt's ardent devotion to his profession. To attain to the highest eminence in that was the great aim of his ambition. All other studies—except those which belonged to the cultivation of his religious faith—were subsidiary to this purpose. A great ideal of perfection was always present to his mind—that "aliquid vastum et immensum" to which he so frequently refers—and towards which he seemed to strive, with unceasing effort, to the last. He was fond of appealing to the fame of the great luminaries of the law, in the way of incentive to the young, urging these never to remit their labors whilst strength and hope remained, "I wish you," he remarks in one of his letters to his son-in-law, Judge Randall—"to observe particularly the *action* of Marshall's mind,—of whom Pinkney said, the first time he heard an opinion from him, 'that he was born to be the Chief Justice of any country into which Providence should have cast him.' I wish you to study the action of his mind, and compare it closely and carefully with that of Mansfield, Hardwicke, Kenyon and Thurlow. These are the great steamships of the law, to which we should lash ourselves till we catch and learn to keep their momentum, and become steamships in our turn."

Such models he ever proposed to himself, and dedicated the day and the night to the exploration of the paths they trod. He became, in the maturity of his career, one of the most philosophic and accomplished lawyers of his time. In earlier life, he was remarked

* For these brief notices of Mr. Wirt's studies, I am indebted to my friend Mr. Wallis, who had read law under the guidance of the Attorney General.

for a florid imagination, and a power of vivid declamation,—faculties which are but too apt to seduce their possessor to waste his strength in that flimsier eloquence, which more captivates the crowd without the bar, than the Judge upon the bench, and whose fatal facility often ensnares ambitious youth capable of better things, by its cheap applause and temptation to that indolence which may be indulged without loss of popularity. The public seem to have ascribed to Mr. Wirt some such reputation as this, when he first attracted notice. He came upon the broader theatre of his fame under this disadvantage. He was aware of it himself, and labored with matchless perseverance to disabuse the tribunals, with which he was familiar, of this disparaging opinion. How he succeeded, his compeers at the bar have often testified. None amongst them ever brought to the judgment seat a more complete preparation for trial:—none ever more thoroughly argued a cause through minute analysis and nice discrimination of principles. In logical precision of mind, clearness of statement, full investigation of complicated points, and close comparison of precedents, he had no superior at the bar of the Supreme Court. He often relieved the tedium of argument with playful sallies of wit and humor. He had a prompt and effective talent for this exercise to which his extensive and various reading administered abundant resource; and he indulged it not less to the gratification of his auditory than to the aid of his cause,—for polished rhetoric often becomes to the orator a masqued battery, either to surprise the enemy by unexpected attack upon an unguarded point, or, by concealment, to give to a smaller force the power of one of greater numbers. In such tactics Mr. Wirt was well versed. In sarcasm and invective he was often exceedingly strong, and denounced with a power which made transgressors tremble;—but the bent of his nature being kindly and tolerant of error, he took more pleasure in exciting the laugh, than in conjuring the spirit of censure or rebuke.

His manner in speaking was singularly attractive. His manly form, his intellectual countenance and musical voice, set off by a rare gracefulness of gesture, won, in advance, the favor of his auditory. He was calm, deliberate and distinct in his enunciation, not often rising into any high exhibition of passion, and never sinking into tameness. His key was that of earnest and animated argument, frequently alternated with that of a playful

and sprightly humor. His language was neat, well chosen, and uttered without impediment or slovenly repetition. The tones of his voice played, with a natural skill, through the various cadences most appropriate to express the flitting emotions of his mind and the changes of his thought. To these external properties of his elocution we may ascribe the pleasure which persons of all conditions found in listening to him. Women often crowded the court rooms to hear him, and as often astonished him, not only by the patience, but the visible enjoyment with which they were wont to sit out his argument to the end,—even when the topic was too dry to interest them, or too abstruse for them to understand his discourse. It was the charm of manner, of which the delicate tact of woman is ever found to be the truest gage and the most appreciative judge. His oratory was not of that strong, bold and impetuous nature which is often the chief characteristic of the highest eloquence, and which is said to sway the Senate with absolute dominion, and to imprison or set free the storm of human passion, in the multitude, according to the speaker's will. It was smooth, polished, scholar-like, sparkling with pleasant fancies, and beguiling the listener by its varied graces, out of all note or consciousness of time.

He required preparation, and was most industrious in his application to it, rarely allowing himself to address courts or juries until he had had time to adjust his ideas and arrange the order of his discourse. He had, indeed, a great aversion to extemporary speaking and always avoided it, when possible. That practice of dinner-table oratory, which has, of late, become so distressingly common,—the evil genius of all public convivialities, and the opprobrium and horror of whatsoever private symposium it invades—was, fortunately for Mr. Wirt, not so unhappily rife in his day; but still, it occurred often enough to his experience to bring him occasionally into that state of comical perturbation, which even the discipline of our times has not altogether conquered in the best speakers. He invariably escaped it, when "cornered," by the slightest possible display in the fewest words. A man has the worst theme in the world, when his subject is himself; and the humor which is extorted from one, doomed to confront a company who expect to be amused by a witty speech, is apt to be of a very disconsolate and even desperate kind.

Scarron, on such occasions, would, doubtless, make a better show than Demosthenes.

Mr. Wirt's preparations for a speech, as several briefs I have seen attest, were very minute in all points of argument, and frequently in the phrase of some striking passage; though, in general, the texture of his language was unstudied. I believe he never wrote a speech before the delivery of it,—though he has, on more than one occasion, done this afterwards; and it has always been remarked that many of the most felicitous turns and expressions of thought have been lost in the subsequent attempt to recall the speech.

Without claiming for Mr. Wirt the renown of the most powerful orator or the profoundest lawyer in the country, it is sufficient praise to say, that he stood beside the first men of his day, equal in rank and repute, and superior to most, if not all, in the various accomplishments which he brought to the adornment of his profession.

Of the religious cast of his mind there are many demonstrations throughout these pages. His sincere and devout humility are apparent in every line he has written. I have had occasion to remark that, even in the most thoughtless days of his youth, it was not difficult to detect the hues of a religious temper, which, to a certain extent, imparted their coloring to his mind and imagination. Even his boyish impressibility to superstitious influence, which we have noticed in his childhood, was the offspring of that reverence which ripened into religion. We have an early reminiscence in a letter to Mr. Pope, which relates a fact strongly illustrative of this feature of his mind. "I have a great partiality,"—he says,—"for the Baptists. My first favorite preacher in early life was a Baptist. His name was Jerry Moore: and a powerful man he was. Not refined, but rough and strong, of copious and even impetuous volubility, keen, acute, witty, full of original observation,—and, as a reasoner, I have seldom heard him surpassed. He was a most interesting preacher. He lived in Loudon County, Virginia, and used to come to the Seneca church, or, rather, meeting-house, in Maryland, to preach. It was a Baptist neighborhood, and I lived in it for eighteen months, and became very much attached to the people. Towards the close of that time we had a most learned man estab-

lished as the regular preacher, at the same place. His name was Thomas, a Doctor of Divinity. He was a strange old gentleman, as solitary in his habits as a ghost. He took no part in the management of his domestic affairs, but left all worldly business to his wife, and devoted himself exclusively to his books and his pulpit. He was so very near-sighted as to be almost blind—a very ungainly, little, old man with a crack'd voice, and odd and awkward in his delivery. Yet that man was very near running me mad. I was only sixteen or seventeen years old, extremely susceptible and tender-hearted,—and he made such dead sets at me, that I was within an ace of insanity. If my physician had not advised me to seek a southern climate (for I had some consumptive symptoms) I should either have died in a lunatic asylum or become a Baptist preacher. I went to Georgia, passed one winter, and returned cured of my consumption and religious enthusiasm."

As life advanced, his convictions of the truth and value of christian revelation, and of the duties it imposed upon him, became more earnest and profound. He devoted a portion of his time, every day, to the reading of the scriptures; engaged in a comprehensive study of theology; cultivated habits of prayer and meditation, which he promoted and encouraged throughout his family; and frequently employed his leisure in the composition of religious essays and records of private devotion. He took great interest in the promotion of moral and religious institutions, in the Missionary labors of the churches, in the extension of the Sunday schools, in the success of the Bible Societies,—and was, at the time of his death, the President of the State Bible Society of Maryland. He was a most effective friend of the cause of temperance, and often sought opportunity to testify to the great importance which he attached to the labors of the societies connected with it. "I have been for more than forty years"—he remarks, in a letter which has been frequently published—"a close observer of life and manners in various parts of the United States, and I know not the evil that will bear a moment's comparison with intemperance." In short, the latter years, especially, of Mr. Wirt's life furnish us the spectacle of a highly gifted, thoughtful and accomplished mind stimulated by a fervent and sincere piety, and employed in the promotion of every good

work suggested by enlightened benevolence or christian duty. His theological studies were systematically pursued through many years, in whatever leisure his profession allowed him. His favorite authors were Hooker, Baxter, Watts, Faber, Flavel, Robert Hall, Doddridge and Jay. Massillon and Bourdaloue were frequently in his hands. Of Baxter, he says, in a letter to his daughter—"I took up the 'Saint's Rest' lately, and found it like an old sandal-wood box, as fresh and fragrant as if it had just been made, although it has been exhaling its odor for a hundred and eighty years."

He had been a careless witness, in his younger day, to that prevalence of free thinking, in reference to the authenticity of the Christian religion, which, at that period, had become somewhat notable in Virginia. The reflections of his riper age pictured this tendency of opinion, to his mind, as an insidious and fearful malady, which was not less destructive of the integrity of the social constitution, than it was perilous to the individual. He had himself read Voltaire, Bolingbroke, Hume, Gibbon, Shaftsbury, Rousseau, Paine, and Godwin, and other strong or striking writers of that school; but they had not shaken the ground-work of his faith. He could read and admire, discriminate and repel. He was, nevertheless, fully aware of the fascination which their learning, genius, wit and eloquence gave to their intrepid scepticism. He had often occasion to remark how brilliant paradox and bold assault upon common opinion, witty apophthegm and dexterous satire captivate even vigorous minds, predisposed by education or by temper to assail whatsoever rests upon the authority of the past; and his personal experience had warned him how much more subtly these devices were calculated to ensnare and capture the unfortified mind of youth. This conviction ripened into a painful solicitude of which we have many proofs in his correspondence. His admonitions to his children and to his younger friends are often pointed against this danger. I find his letters urging them to the careful perusal of Horne's Introduction to the Critical Study of the Scriptures, Bishop Watson's Apology for the Bible, in answer to the Age of Reason, Butler's Analogy, Paley's Evidences of the Christian Religion, Addison's Tract on the same subject,—Faber's Difficulties of Infidelity, and other works of this class. To Horne's Introduction, particularly, he

was accustomed to express his obligations for the conviction of his own mind,—and he never lost an opportunity of commending it to a friend.

We have a contribution from his own pen in aid of this cause, in an essay written by him, as a preface to Rennell's "Remarks on Scepticism," of which an American edition was proposed to be given by a publisher in Baltimore. This work was composed with a view to controvert the theory of Organization and Life, of Bichat, Morgan and others, and contains a powerful summary of the argument against materialism. Mr. Wirt's preface presents a well digested and elaborate exposition of the question, and a just commendation of the work it was intended to precede. It was written by him a short time before his death; and as the purpose of re-publication seems to have been abandoned, the preface has never got into print.

Notwithstanding his devotion to theological study, he seems to have attached but little importance to the shades of doctrine which distinguished the various sects of the Christian Church. He judged religion by its duties more than its dogmas, and was the most tolerant of men in matters of conscience. He says somewhat playfully,—in reply to the question of a friend—"I don't know about joining the Episcopalian church. I don't like to give up the Presbyterian, which was the church of my fathers. For I was born a Presbyterian, I was baptized a Presbyterian, I was inoculated a Presbyterian, I was educated a Presbyterian—old Parson Hunt having performed the last three processes for me—I married a Presbyterian, the marriage ceremony was performed by a Presbyterian, all my children were born Presbyterians by right both of father and mother, and they have all been baptized Presbyterians by the same minister who married their parents. Now, it is not an easy matter for me to break all these ligaments. However,—if my wife says the word—so be it. I can worship God as sincerely and devoutly under one roof as another, and have felt as much devotion in a Roman Catholic Cathedral as in any other temple of worship."

This is the declaration of a man of unquestionable sincerity, who had read much and thought more on the momentous subject of christian faith and hope. It was uttered at that period of life when man, in the review of a lengthened past, finds his judgment

purified and made more just, by the honest admonition of a short future. It was uttered, too, by a man, earnest, devout, zealous in all that concerned his spiritual welfare. We discern in such a declaration, an index to the author's indifference to those points of contention which have so often distracted Christendom and curdled the milk of christian brotherhood,—making implacable enemies of those whom charity should have bound in indissoluble friendship.

Mr. Wirt's estimate of religion was directed rather to what it taught men to do, in contradistinction to what, in the region of theology, it taught them to think; he was, therefore, much less devoted to sect, than he was to that higher essence of christianity which is common—or professes to be so—to all sects. Duty had an exalted significance in his esteem. It was the summary of his morals, the constant incitement to his labors, and the practical demonstration of his piety. It rendered him humble before his God, faithful to his country, true to his fellow man, scrupulous in judgment of himself.

Constructing his religious opinions upon this basis, his mind rejected a religious sensualism in all its forms. He sought in it a gratification of the understanding and not of the senses. He cultivated a simple worship, which did not depend upon the stimulus of the imagination for its earnestness or its perseverance. "I do not think"—he says in his correspondence—"that enthusiasm constitutes religion, or that Heaven is pleased with the smoke of the passions, any more than with the smoke of rams or bulls. There is a calm, steady, enlightened religion of the rational soul, as firm as it is temperate, which I believe is the religion of Heaven. Its raptures are those of the mind, not of the passions; its ecstacies are akin to those of David."

I have thus presented the character of Mr. Wirt in every relation which I suppose would interest the inquiries of my reader. In the course of these Memoirs much has been developed, in regard to that character, upon which I have not thought it necessary to make a comment. His affection towards his family, his attachment to his friends, his charity and benevolence towards mankind, his courage, his self-respect, and his integrity are sufficiently illustrated in the general tenor and frequent incident of this narrative.

Truthfulness,—that surest index of a noble nature—stood in the front of his virtues. I have read a great mass of Mr. Wirt's letters—several hundreds—collected from all quarters, and belonging to every period of his life. They have reached me by contributions from those to whom they were written,—not from copies preserved by the writer, which might lay them open to the suspicion of assortment. I have not found, in one, the assertion of a fact or the avowal of a motive of conduct, which any other letter in the collection proves to be insincerely uttered; not an instance, even, of what might be thought pardonable duplicity. Few writers of letters, much less industrious with the pen than he was, would be willing to submit a promiscuous and unguarded correspondence to such a test. Truth to the world and truth to his own heart was the lamp which lighted his footsteps through the pilgrimage which it has been my task to describe.

This biography is now finished. Its aim is to give a full and faithful narrative of the life of a man who gained a national fame, whilst he lived, and who is entitled to be remembered now that he is dead.

The narrative has been made up from memoranda supplied by his own letters, from contributions of friends, and from the writer's own personal acquaintance with the subject of his Memoir. I have to apprehend the judgment of some readers who may think that I have magnified incidents of a trivial character into undue importance; of others, who may believe that I have exposed too much of the private opinion of him whose history I have written; of others, again, who may impute to me a too sedulous desire to praise and exalt the character which I profess to represent with impartial truth.

My answer is—I undertook to write the life of William Wirt, because I believed it worthy to be written, or—what is equivalent—worthy to be held up to imitation: that, in the illustration of character, incidents which may be deemed trivial in themselves, often become useful exponents of human quality, when

presented in their proper place in a general picture: that, in what I have published, I have violated no confidence which has not either been cancelled by time, or submitted to my discretion by those whose consent was alone to be asked. Finally, that whilst I have not failed, upon occasion, to notice the deficiencies which are entitled to be considered in forming a true estimate of my subject, I admit that I have dealt far more prodigally, and, I may add, gratefully, in praise. I hold it to be the biographer's duty to turn the virtues of an illustrious man to the best account, by giving them a prominence which shall conciliate all regard. The faults of a good man are but transient blemishes which quickly fade from view. His virtues are unchangeable, ever present and imperishable. He who has to speak of both should observe the proportion indicated by this truth.

THE END.

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ERRATA.

Vol. I.—Page 61. 29th line from the top, for "rest" read "rust."
" 64. 21st line, insert a comma between "Barbour" and "Cabell."
" 79. 31st line, for "seemed" read "served."
" 348. 9th line, for "temper" read "nature."

Vol. II.—Page 13. 1st line, for "giving" read "getting."
" 26. 21st line, for "set" read "sit."
" 38. 27th line, for "commisserate" read "commiserate."
" 43. 17th line, for "principle" read "principal."
" 44. In the note, 2nd line from the bottom, for "perused" read "pursued."
" 135. 25th line, for "*quere*" read "*quære*."
" 139. 13th line, for "now" read "more."
" 200. 9th line, for "terms" read "turns."
" 212. 23rd line, for "pillar" read "pillow."
" 308. Last line, strike out comma between "Ambrose" and "Spencer."
" 433. 16th line, for "convival" read "convivial."

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